

**STATE OPENING AND FIRST MEETING
OF THE 1988 SESSION OF THE
CAYMAN ISLANDS LEGISLATIVE ASSEMBLY**

**FRIDAY, 12TH FEBRUARY, 1988
(FIRST DAY)
10:00 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

THE LEGISLATIVE ASSEMBLY OF THE CAYMAN ISLANDS

STATE OPENING

BY

HIS EXCELLENCY THE GOVERNOR, MR. ALLAN J. SCOTT, CVO, CBE

FRIDAY, 12TH FEBRUARY, 1988 AT 10:00 A.M.

9:25 a.m. to 9:30 a.m. Members of the Legislative Assembly and members of the public arrive

9:35 a.m. Guard of Honour in position

9:40 a.m. Arrival of the Chief Justice, Mr. Gerald Collett, CBE., QC (met by Deputy Clerk)

9:45 a.m. Arrival of His Excellency the Governor and Mrs Scott

INSPECTION OF GUARD OF HONOUR

9:48 a.m. The Clerk/Deputy Clerk
The Governor and Mrs Scott
The Governor's ADC

Proceed to Common Room

9:48 a.m. to 9:58 Members of the Legislative Assembly, the Chief Justice and members of the public SEATED. (Rev. Talmage Ebanks right of Dais)

9:59 a.m. The Clerk/Deputy Clerk
The Governor and Mrs Scott
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 Officers of the Legislative Department. As the doors open, the Serjeant-at-Arms will head the procession and will announce -

"HIS EXCELLENCY THE GOVERNOR" (ALL STAND)

The procession will consist of -

The Serjeant-at-Arms
The Clerks
His Excellency the Governor and Mrs Scott
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"

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 ADDRESS DELIVERED BY HIS EXCELLENCY BE DEFERRED UNTIL".

The Governor and Mrs Scott, the Governor's ADC, the Serjeant-at-Arms and the Clerks rise (ALL STAND)

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

The Serjeant-at-Arms
The Clerks
His Excellency the Governor and Mrs Scott
The Governor's ADC

AND DEPART

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

THE PRESIDENT OFFICIALLY ENTERS THE CHAMBER TO ADJOURN THE SITING

ADJOURNMENT BY THE HON FIRST OFFICIAL MEMBER, FINANCIAL SECRETARY AND LEADER OF GOVERNMENT BUSINESS.

TABLE OF CONTENTS

	PAGE
PROCESSION	1
PRAYERS	1
PROCLAMATION NO. 2/88	1
THRONE SPEECH	
Delivered by His Excellency the Governor, Mr. Alan James Scott, CVO, CBE	1-7
MOTION FOR THE DEFERMENT OF THE DEBATE ON THE THRONE SPEECH	7
DEPARTURE OF PROCESSION	7
ADJOURNMENT	8

STATE OPENING OF THE CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY
BY HIS EXCELLENCY THE GOVERNOR, MR. ALAN J. SCOTT, CVO, CBE
FRIDAY 12TH FEBRUARY, 1988 AT 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.

HIS EXCELLENCY THE GOVERNOR: (On reaching the Dais bows to the right and to the left) 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, Phillip 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 dally 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.

HIS EXCELLENCY THE GOVERNOR: Pray be seated.

THE CLERK:

"PROCLAMATION NO. 2 OF 1988

BY HIS EXCELLENCY ALAN JAMES SCOTT, Commander of the Royal Victorian Order, Commander of the Most Excellent Order of the British Empire, Governor of the Cayman Islands.

Alan J. Scott
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 places 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, ALAN JAMES SCOTT, Commander of the Royal Victorian Order, Commander of the Most Excellent Order of the British Empire, Governor of the Cayman Islands, DO HEREBY PROCLAIM AND MAKE KNOWN THAT A SESSION OF THE LEGISLATIVE ASSEMBLY OF THE CAYMAN ISLANDS shall be held at the Legislative Assembly Building in George Town, Island of Grand Cayman, at 10:00 A.M. on Friday, the 12th day of February, 1988.

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 Eighty-Eight in the Thirty-Sixth Year of the Reign of Her Majesty the Queen Elizabeth II.

GOD SAVE THE QUEEN."

1988 THRONE SPEECH
AS PRESENTED BY
HIS EXCELLENCY THE GOVERNOR, MR. ALAN JAMES SCOTT, CVO, CBE

HIS EXCELLENCY THE GOVERNOR: Honourable Members of the Legislative Assembly:
Today is the first occasion on which I am privileged to present the Throne Speech. May I say how greatly my wife and I appreciate the wholehearted welcome which we have

received in Cayman, and reaffirm our commitment to devote ourselves to the continuing progress of the community of these fortunate Islands.

In recent years, the Throne Speech has taken the form of looking forwards, outlining Government's plans for the coming year, rather than reviewing the events of the past year. The Financial Secretary's annual Budget Speech presents a comprehensive review of each past year; and the Annual Report which is widely available, performs the same function in a less austere, and pictorial, form.

This speech may be somewhat longer than previous years, reflecting growth and development generally, and the increasing activities of the Government.

I hope that Honourable Members will join me in paying tribute first to the many individuals who serve on Statutory and Advisory Boards and Committees, giving their time and effort for the public good; and second, to our many voluntary associations and to the churches who contribute so notably to the well-being and development of our community. Cayman presently enjoys, I believe, a healthy balance between the necessary activities of the Government and the acceptance of responsibilities by the community and its individual members. However, recent changes in Cayman have been quite dramatic, and we must be alert to the potential effects of these changes on our society.

JUDICIARY

1987 was a busy year for the Court of Appeal, the Grand Court and the Summary Courts. The number and complexity of cases, particularly civil but also criminal, is ever-increasing. In order to meet these demands, an additional post of Judge of the Grand Court, making three in all, has been established. A new post of Senior Magistrate has also been created. 1988 should see progress in providing additional court rooms; and the Chief Justice has authorised enquiries into the cost and feasibility of improved court reporting systems.

ROYAL CAYMAN ISLANDS POLICE FORCE

The comprehensive in-Force training programme involving U.K. contracted officers is nearing its end, and steps continue to localise as many senior posts as possible, as the U.K. officers leave. The effects of the programme are increasingly evident; it is encouraging that the sharp increase in crime has been arrested and, for the first time in recent years, there was a small reduction in reported crime in 1987. 77 per cent of crimes reported were cleared up or detected, an all-time high.

Although the number of drug cases again increased in 1987 the rate of increase was much lower than in previous years. The continuing high priority given to this grave problem by the police appears now to be having the desired effect. Their efforts will be greatly assisted by the recent acquisition of a purpose-built police launch.

The attention given to road safety, and the strict enforcement of the traffic laws, resulted in the lowest number of fatalities for four years; this programme will also continue to be given priority.

The Force is now at about 94 per cent of full strength. The campaign to recruit Caymanians continues; but the number of suitable candidates appears to be reducing, and I take this opportunity to emphasise that the Police Force is a vital part of the Civil Service, and its standing is now such that potential candidates should have no doubt about it offering a worthwhile and interesting career.

PRISON SERVICE

The rate of growth in the prison population has slowed down, but the demand on the personnel and physical resources of the department is great. Unhappily, the prison population seems unlikely to diminish significantly in the foreseeable future. The Director and his staff continue developing their programmes and services on modern lines.

IMMIGRATION

Our economic growth demands continuing expansion of the workforce, much of which has to be met by temporary immigration. New policies were introduced in 1987, to balance the proportions of overseas workers here in order to reduce the potential impact on the social and economic life of Cayman. The policy will take time to have effect, and it will be carefully monitored.

BROADCASTING

The Department of Broadcasting, in its 14th year of operation, continues to provide programmes of information, culture, education, religion and entertainment. It is over 90 per cent Caymanian staffed and its revenue more than covers its recurrent expenditure. There are plans for an expansion of Broadcasting House; and the FM service to Cayman Brac will be completed in the early part of this year.

GOVERNMENT INFORMATION SERVICES

Government Information Services will continue to be the main instrument in effecting Government's policy to provide a full flow of information about its affairs to the public, so that there can be no doubt that this is an "open Government". Providing information about Cayman to overseas enquirers is an important aspect of this role, and the increase in these inquiries reflects the world's interest in coming and doing business here.

Government Information Services has taken over supervision of publication of the official Gazette, and it should be possible to use Government's computer facilities to produce camera-ready artwork from which the Gazette and its supplements can be printed. This process will avoid typesetting and requires proofreading once only, a considerable saving in time and effort over the present arrangements.

THE CIVIL SERVICE

The 1988 Estimates shows an increase of 82 posts of the 1987 total of 1646. Control will continue to be exercised upon the growth of the Service, but it must be recognised that as programmes which require personnel resources are introduced or expanded, the Service is bound to grow. The recent arrival of the Director of Training, and his immediate focus on three main training areas - clerical, supervisory and management - should improve productivity. The UNDP Management Project for senior staff is to be implemented in 1988, one of its objectives being to develop an overall training strategy. 21 serving officers are on courses overseas.

The personnel data base has been moved to the VAX computer system, which enables more information to be stored and usefully employed.

The Report of the 1988 quadrennial review of salaries and conditions of service has been implemented, with effect from the 1st of January.

RETIREMENTS

Sir John Summerfield, the Chief Justice, retired at the end of 1987, and appropriate tributes were paid to him in this House. 1988 will see the retirements of the Principal Secretary, Communications, Works and District Administration, Mr. Sammy Jackson; the Chief Accountant, Mr. Louis Moncreiffe; and the Collector of Customs, Mrs. Marcia Bodden. They have between them given over 68 years of service; the Government fully appreciates their contributions and wish them a long and happy retirement. The first Auditor General, Mr. Fitzroy Kelly, will also retire in 1988 after six years of innovative and valuable service.

FINANCE AND DEVELOPMENT

In 1988 the Department of Finance and Development will continue its measures to ensure sound financial management across the Civil Service.

The Economic Development Unit proposed by the Financial Secretary in his Budget Speech will be established, and it will be of great help to him in the management of infrastructural developments within the Five Year Economic Development Plan, and in rolling-over the Plan from year to year.

Following approval by this House of the Islands' largest ever budget, the department is proceeding with its usual monitoring processes. These are extremely important this year because annual warrants - except for a few reserved items - are to be issued to all Government departments. In each department, a budget controlling officer has been appointed, to be responsible for the funds allocated to his department. The implementation of other aspects of the new Financial and Stores Regulations, and of the Economic Development Plan, indicate a very industrious year ahead for the Finance Department.

CURRENCY BOARD

The Currency Board's responsibilities include the important function of issue and redemption of Cayman Islands currency, and the issue and sale of numismatic coins.

In March 1987, the Board issued a \$50 note immortalising the signature of its present Chairman, Mr. Thomas C. Jefferson. The numismatic issue of 1987 comprised a \$250 gold coin and a \$5 silver coin commemorating the Ruby Wedding of Her Majesty the Queen and His Royal Highness the Duke of Edinburgh.

COMPUTER SYSTEM

The Government's computerisation programme continues to expand both in terms of the number of users, and its usefulness to the decision-making machinery. Some new programmes will be considered by the Steering Committee in 1988. The design of a new building to house the Computer Centre has just been commissioned, and construction is expected to begin in the last quarter of this year.

CUSTOMS AND EXCISE

1987 saw Customs revenue at its highest ever, at over \$27 million. The continuing aims of the Department are to maximise the collection of revenue from import duties, and to exercise the various controls on the import and export of prescribed goods effectively and efficiently.

In particular, priority will be given to the newly created Task Force, in combatting the importation of prohibited drugs. It is hoped that during 1988 the Department will acquire a patrol and pursuit boat equipped with modern radar detection devices.

The Queen's Warehouse, which is necessary for the storage of seized and detained goods, is almost complete. This will free storage areas at the port and airport for other use and permit bulky items such as vehicles to be stored, pending disposal, rather than being left to deteriorate in the open air.

TREASURY

An appointment will be made during the year to the new post of Accountant General, provided in the Finance and Audit Law, in accordance with the reorganisation plan, the implementation of which commenced in early 1987.

COMPANIES REGISTRY

The fears and speculation about possible adverse effects of the Mutual Legal Assistance Treaty were fully dispelled by the continuing growth of companies on the Register. In 1987, 18 per cent more new companies were registered than in 1986. Revenue collection, aided by a fully computerised register, was over \$7 million. This is indeed a vote of confidence in our policy of encouraging clean business. The forecast for 1988 is for the same rate of growth.

In 1987, the Merchant Shipping (Applicable Conventions) Law was passed, paving the way for these Islands to become members of Conventions such as SOLAS, MARPOL and Load Line; and membership is now being negotiated. Government is appointing officers to form the nucleus of a Maritime Inspectorate. It is possible that the Shipping Register will show significant growth as a result of these measures, but we must wait and see.

BANKING

It is expected that during 1988, legislation proposing some significant changes to the Banking Act will be introduced. The objective is to enable the banking inspectorate to extend its supervision over the operations of subsidiary companies, thereby fully meeting our obligations under international supervisory guidelines.

INSURANCE

The Cayman Islands continue to attract a high percentage of the international insurance business. During 1987 the Insurance Department received applications for 61 new captive Insurance Licences; 56 new Licences were issued.

Minor amendments in 1987 to the Insurance Law, with the

object of strengthening certain local market practices, received a favourable response from the local industry. The domestic market experienced moderate growth in personal lines of coverage and life insurance.

Projections for 1988 indicate that the domestic market can expect a similar increase in business.

LEGAL DEPARTMENT

The Attorney General's Chamber now include the Principal Crown Counsel, the Senior Crown Counsel and five Crown Counsel, of whom three are Caymanian. An additional Crown Counsel, who graduated from the Law School in 1987, is in training at the Courts Office.

The number of criminal prosecutions conducted by the Legal Department shows no signs of decreasing during 1988, although there has recently been a slight reduction in the number of pending Grand Court trials. At the opening of the January Session of the Grand Court for 1988, there were some 20 cases awaiting jury trial, compared with 23 in the equivalent session in 1987.

The department produced a considerable volume of draft legislation during 1987, including substantial pieces of new Law, such as the Merchant Shipping (Applicable Conventions) Law, 1987, the Labour Law and the implementing of Regulations for the Building Code. The demand for legal drafting work seems unlikely to reduce.

Three students at the Law School will sit their final examinations this summer, and it is hoped that the successes of last year will be repeated. The School now has 21 students spread over the four year course.

HEALTH SERVICES

In line with the 1988 World Health Organisation theme "Health for All - All for Health", concerted efforts will be made in this field, including promotional activities through the media. A study is to be undertaken to assess the number of hospital beds necessary for the next fifteen years, and specific programme needs for the new Hospital, as well as health care delivery in general. Meanwhile essential improvements to facilities at the Hospital and District Clinics, to maintain an acceptable level of services, will be undertaken.

With the arrival of the full-time Psychiatrist, further developments are anticipated in Mental Health Services. Planning for residential care for the chronically disabled will be completed.

A National Drug Council will be formed to coordinate the activities of the private sector and Government in the drug and alcohol abuse fields. The presence of the full-time Drug Counsellor has already strengthened services offered to addicts.

The surveillance and monitoring of AIDS will be strengthened, and educational activities continued. More staff resources will be applied to this programme.

The recent introduction of thyroid function tests will permit more precise management of patients with thyroid disease.

The Physiotherapy Department is now fully staffed. The trained Nutritionist now in post will provide community education in nutrition through the media as well as directly at Clinics.

Statistics are the necessary basis of all sound planning, particularly in health care programmes. The gathering and analysis of statistics will improve as the first Statistical Officer begins her duties.

Prison health services were strengthened by the provision of a full-time Nurse in 1987 and will be further improved with the completion of the new dental facility.

The Dental Department plans to expand both the quantity and range of treatment offered. A new Dental and Public Health complex in Cayman Brac is due for completion, which will improve the efficiency of health care services.

The Environmental Health Department has responsibility for environmental pollution control, and during 1988 it will be aided by a Pan-American Health Organisation Consultant. Close cooperation with the Planning Department and the Water Authority in regard to the processing of applications for building development will continue.

EDUCATION

In 1987 the Department of Education celebrated one hundred years of publicly funded education, which was marked by a week of activities well received by students, teachers and the community. As the second century begins, the Department plans a general stock-taking of what has been achieved, with projections of both physical and academic needs over the next five years. A review of primary education is planned, with the revision of basic subject curricula being already underway.

The introduction of the General Certificate of Secondary Education, to be sat by Caymanian students for the first time in the summer of 1988, heralds an important phase in examination and curriculum development. The effectiveness of our senior schools in preparing students not only for examinations, but for life, must be reviewed. The increasing expectations of our young people require more emphasis on careers guidance, and productive scholastic discipline. The "Skills for Living" curriculum, which leads on from the "Quest" programme started at the Middle School in 1987, will be explored in the continuing battle against drugs.

The High Schools will always be dependent on the standards set, and the foundations laid, in primary and middle schools. School-based, in-service training for the General Certificate of Secondary Education, planned for 1988, will involve teachers at all levels.

The B.Sc. degree course in Education being presented through the University of Miami will conclude in 1988, with 33 members looking forward to their graduation ceremony on 30th April.

Primary teachers, under the guidance of a University of the West Indies staff member, Mr. Morrissey, have completed the writing of a social studies text for primary schools, based on the history and geography of the Cayman Islands. This is scheduled for publication by the end of 1988.

The end of 1988 should see the Community College fully operational under its own Board of Governors, with the first phase of the new College buildings on Walkers Road nearing completion.

SOCIAL SERVICES

A draft of the Juveniles Law has been completed, and it is hoped to present the Bill to this House in April. Plans are developing for the construction of a Juvenile Rehabilitation Centre.

The Social Services Department has been expanded by the addition of posts for two social workers, a Caring Home Supervisor and an extra Clerical Officer, as well as five

Home Care Assistants. Three of the Home Care Assistants will go to the East End Sunrise Cottage, with an extra caretaker at each of the Caring Homes.

The Public Library will be fully staffed again this month, with the added assistance of a Deputy Librarian. A general reorganisation of the library with redevelopment of branch libraries in East End and Cayman Brac is planned.

SPORTS

The efforts of recent years to build solid foundations for sports development in Cayman will culminate in the "Year of Sports", 1988. Our sporting organisations are increasing their capacity to develop and manage themselves, with some reaching abroad in their ambition to make sports a way of life here.

Our young sportsmen and women eagerly look forward in 1988 to hosting the Caribbean Netball Championships, taking part in the Seoul Olympics, and to the Carifta Games in Jamaica.

The Government Employees' Tournament, and many private sector sponsored events, should encourage all sectors of the community to healthy participation. Particularly welcome is the formation of a Special Olympics organisation, to assist handicapped citizens to take up sporting activities.

All this, inevitably, increases the demand for adequate facilities. It is planned to complete another phase of the Sports Complex at Walkers Road, and sporting areas in each district will be given attention. Young Caymanians will be given opportunities to study sports organisation, coaching and administration, as well as to pursue their chosen sports.

NATURAL RESOURCES

A Committee under the Chairmanship of the portfolio is engaged in a study which will produce recommendations to Government for regulating the watersports industry. It is hoped that the necessary legislation can be brought to this House during 1988. Some controls on operators in this industry appear essential if further deterioration of our attractive marine resources is to be avoided; safety aspects and the regulation of the increasing number of boats in the industry are being carefully examined.

NATIONAL TRUST

The law creating the National Trust was passed in the 1987 Session of the Assembly. This recognition by the Government of growing interest in the preservation of Cayman's heritage has been met with enthusiasm by the community. The founding council of the National Trust has been established and district committees are now being set up.

The National Trust is to undertake the reconstruction of the George Town Fort. This property was awarded to the Trust by the Court in the matter of the Sterling Bank liquidation, with the cooperation of Messrs. Maples and Calder and the Honourable the Financial Secretary. Pierson, Heldring and Pierson Limited have generously donated US\$5,000 towards the project. The Trust intends to produce a precise and comprehensive description of the Fort as it was, before deciding how to proceed with the reconstruction.

PLANNING

The Building Code, which has been in preparation for over two years, will be presented at the April meeting of the Assembly. The Code, which will be administered in a new section of the Planning Department should ensure the necessary high standards in the construction industry to satisfy the requirements of public health, safety and welfare.

Work on the Review of the 1977 Development Plan is in progress, with a view to producing a set of policy proposals which will be the subject of wide public consultation. These proposals will follow the provisions of the Development and Planning Law and, it is hoped, will speed up the processing of planning applications by rendering the requirements clear and consistent, flexible and enforceable.

AGRICULTURE

The Farmer's Market is completed and will be leased to and operated by the newly-established Farmers' Cooperative. An abattoir for slaughtering animals in improved sanitary conditions is due for completion later this year; it is sited next to the Market and will also be leased to the Cooperative. These facilities should encourage farmers to take the lead in promoting their own agricultural output, and to deal directly with consumers as well as with the supermarkets.

The Agricultural Department will this year establish a much needed laboratory for analysing soil and plants, to tackle problems of nutritional disorder and diseases which are of great concern to farmers.

MOSQUITO RESEARCH AND CONTROL

It appears that mosquito resistance to present insecticides is developing and until replacement insecticides are identified, the Department will rely more on the use of larvicides. A new electronic guidance system for aerial spraying is in use to ensure that larvicide is accurately distributed over remote mangrove areas, where ground marking is difficult. Dikes in the Barkers area will be upgraded this year.

The Natural Resources Section will continue its 1987 studies on grouper spawning, and on the installation of permanent moorings. The latter are necessary to prevent further damage of reefs and coral by ships' anchors and chains. So far, 71 permanent moorings have been installed in Grand Cayman, 29 in Cayman Brac and 26 in Little Cayman.

WATER AND SEWAGE

The Water Authority will complete two large and important projects this year: the West Bay Beach Sewerage System (Government's largest single project to date) and the George Town Piped Water Supply. Sewage will be piped to the treatment plant north of the garbage dump in George Town.

The George Town Water project has begun distribution to the public although the work will not be completed until later in the year. The response of George Town residents has been extremely positive.

AGRICULTURAL AND INDUSTRIAL DEVELOPMENT AND HOUSING CORPORATIONS

These corporations operate under joint management, because of their size. They have embarked on a new campaign to draw public attention to the loan facilities offered. Both will soon seek new sources of funds for their mortgage programmes.

LANDS AND SURVEY

1987 was a record year for transactions, with revenue from stamp duty increasing 50 per cent over the previous year; growth is expected to continue this year.

Work continues on aerial photograph mapping of Cayman Brac and on various topographic mapping tasks for Grand Cayman.

TURTLE FARM

The Farm has recently completed the development of a fauna and flora area, and a refreshment room. This should attract more visitors to the Farm and improve its income. The Board believes that the operation will become financially viable during 1988, thus relieving the Government of the need to subsidise it.

TOURISM

1987 was our best year ever for tourism. Arrivals by air totalled 209,044, an increase of 25.9 per cent over 1986. An increase of 10 per cent is forecast for 1988. Cruise ship visits remained level at 271,748, just 0.3 per cent up on 1986. However, confirmed schedules for 1988 already project 306 cruise ship visits with over 250,000 passengers, an increase of 28 per cent over projections at this time last year.

Since the completion of two major hotels in 1987, not many new rooms have come on-line, and no large projects are scheduled for completion in 1988. It appears possible that Sandals, a 232 room all-inclusive resort, will open around the middle of 1989 on the site of the former Galleon Beach Hotel. Several condominiums will be finished soon, increasing our stock of self-catering facilities.

Training programmes for hotel and industry staff were completed recently, including the successful visit of the Caribbean Hotel Training Institute in autumn 1987. These useful courses will be presented again in 1988.

The Department of Tourism will appoint Resident Sales Representatives in Baltimore and Boston in early 1988, to bolster sales efforts in the Northeastern United States.

1988 will be a year of hard work for everyone in the tourist industry. The forecast of a 10 per cent increase in stayover visitors may be a little ambitious, in view of the uncertainty of the US economy. The sales and advertising programmes for the year are designed to meet this challenge.

CIVIL AVIATION

The Civil Aviation Authority of the Cayman Islands came into operation on 1st June 1987, entrusted with the safe and economical control of our two International Airports (Owen Roberts and Gerrard Smith) and airspace in the surrounding area. The Authority performs its functions through the Director of Civil Aviation.

Although the Authority has so far functioned in the less busy months of the year. It is confident that revenue will be sufficient to cover expenses; but the operation of the Gerrard Smith Airport is not yet cost effective, and minor subsidies are necessary for the Little Cayman airfield.

Major repairs were made to the runway in Grand Cayman in 1987, and the general aviation aircraft parking apron was expanded to accommodate ever-increasing light aircraft movements. Additional work on the safety strip was carried out by the Public Works Department.

In Cayman Brac, work continued on the Terminal Building, Air Traffic Control Tower and Fire Station complex. Occupation of the new facilities should be possible by the end of the year, to cope with increased traffic and to provide a better environment for visitors and workers alike.

The US Weather Bureau has automated most of its services in Cayman. The Cayman Civil Aviation Authority has agreed to take over some of the responsibilities of the Bureau, including general supervision of the service.

The training of Air Traffic Controllers in Barbados and Curacao, Meteorological Officers in Barbados, US Flight Operations Inspectors in the UK, and other local training, continued in 1987 as part of a programme to train and retrain staff members in the technical fields of Civil Aviation. All courses were successfully completed, John Tibbetts gaining distinction on his 22 month Meteorological Forecasters' Course.

FIRE DEPARTMENT

In implementing the Fire Prevention Programme outlined in last year's Throne Speech, the Fire Department continues to give particular attention to premises used for sleeping accommodation, entertainment and the sale of alcohol. Strenuous efforts are being made to upgrade fire safety at premises with special risks. A Fire Prevention training programme for all schools will be carried out.

In 1988, staff training at station level will be provided locally, while overseas training will be available for junior officers at the Florida State Fire Academy and for senior officers at the Fire Service Training College in the United Kingdom.

The West Bay substation is due to become operational during the first quarter of 1988.

Barring unforeseen circumstances, the George Town Central Fire Station will become operational in August 1988.

One new Aerodrome Crash Tender with auxiliary equipment will be purchased for Owen Roberts International Airport. A number of hydraulic rescue tools (tenderly nicknamed "Jaws of Life") will be purchased and put into operation at all substations including Cayman Brac.

LABOUR

Following the enactment of the Labour Law in 1987, the Trade and Labour Office is working with the private sector in explaining the requirements of the Law.

129 complaints and disputes during 1987 were received by the Labour Officer and resolved informally. 402 unemployed persons registered with the office, and all found employment.

43 school leavers registered themselves in 1987, of whom 14 have not yet found employment, due to lack of qualifications or lack of interest in available employment. During 1988 the Trade and Labour Office will work with all Trade Associations to encourage training schemes for young Caymanians.

DISTRICT ADMINISTRATION

1988 appears more promising for the economy of the Islands of Cayman Brac and Little Cayman. Unemployment in the construction industry, which existed a year ago, is no longer evident. I mentioned earlier the new airport terminal which, together with the new fire station, is scheduled for completion late in 1988. This will provide modern facilities for processing passengers and baggage, with an integral car park.

The new dental clinic near the Faith Hospital will be completed during the year.

Cable and Wireless Limited has shown its continuing commitment to Cayman Brac by the installation of new equipment to enable International Direct Dialling. This equipment is due to come into operation on February 26th.

The Tiara Beach Hotel is continuing its expansion with the addition of twelve time-sharing units.

POSTAL DEPARTMENT

1988 should see work begin on the construction of a new General Post Office. A design is in preparation by a local firm of architects, based on a report by the British Postal Consultancy Service, and bearing in mind our particular requirements. \$2,000,000 is provided in the 1988 Budget towards the project.

PORT AUTHORITY

Improvements to the Tourist Landing Area and the taxi pick up area are in progress, at a cost of \$85,000 of which Government is contributing \$66,000.

It is planned to start construction of a \$600,000 two storey office building in 1988, on the site of the existing parking area. On its completion, the present building will be demolished to make room for a new car park, a bonded warehouse, and rest and feeding facilities for casual employees.

PUBLIC WORKS DEPARTMENT

Emphasis will continue to be given to training Caymanians for technical careers in the Public Works Department. Three officers are expected to begin training in 1988, and one officer will return after completing a Bachelor of Architecture course. The total number in training will increase from six to eight.

The Department will continue to provide architectural and engineering services to client departments, supplementing its own resources from the private sector as necessary. Direct involvement in capital construction will remain minimal, with work being carried out by contract following competitive tender.

The 1988 Capital Roads Budget totals \$1 million, an increase of 19 per cent over 1987. It is intended to allocate \$694,000 to the improvement of existing roads; \$245,000 to new construction; with the balance of \$60,000 going towards the planning and development of future projects.

The Master Ground Transportation Plan Study has reached draft final report stage and is being considered by Government.

It was Government's policy from the beginning to involve interested private sector groups in order to obtain maximum input from the public. The Report recommends a major road construction programme over the next ten years, to provide a network of roads capable of handling the rapidly growing demands upon the transportation system.

Depending on acceptance of the recommendations in the Report, proposals to amend the Roads Law, including and in regard to compensation for land which Government wishes to acquire, will be presented to the April meeting of the Assembly.

Honourable Members of the Legislative Assembly, that concludes the Throne Speech for 1988. The Honourable Members of the Government Bench will no doubt respond to questions raised, and expand upon their plans, in the course of the debate.

I pray that Almighty God will continue to guide and bless the people of these Islands, and all those who serve and aspire to serve them in their Government.

MOTION

HON. THOMAS C. JEFFERSON: BE IT RESOLVED THAT debate on the gracious Address delivered by His Excellency the Governor be deferred until Tuesday 16th February, 1988.

QUESTION PUT: AGREED. THAT DEBATE ON THE GRACIOUS ADDRESS DELIVERED BY HIS EXCELLENCY THE GOVERNOR BE DEFERRED UNTIL TUESDAY, 16TH FEBRUARY, 1988

PROCESSION DEPARTS

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

The Clerk returns to the Chamber.

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

AT 10:55 A.M. PROCEEDINGS SUSPENDED

PROCEEDINGS RESUMED AT 11:30 A.M.

HOUSE IN SESSION

ADJOURNMENT

HON. THOMAS C. JEFFERSON:

Mr. President, the business of this House being completed, I move the adjournment of this Honourable House until 10:00 o'clock, Tuesday 16th February, 1988.

QUESTION PUT: AGREED.

AT 11:33 A.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. TUESDAY, 16TH FEBRUARY, 1988

**STATE OPENING AND FIRST MEETING
OF THE 1988 SESSION OF THE
CAYMAN ISLANDS LEGISLATIVE ASSEMBLY**

**TUESDAY, 16TH FEBRUARY, 1988
(SECOND 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, OBE	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
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

APOLOGIES

MRS DAPHNE L ORRETT	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

STATE OPENING AND FIRST MEETING OF THE 1988 SESSION OF THE LEGISLATIVE ASSEMBLY

TUESDAY, 16TH FEBRUARY, 1988
(SECOND DAY)

1. PRAYERS

To be read by the First Elected Member for the Lesser Islands.

2. PRESENTATION OF PAPERS AND REPORTS

- (1) THE AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD
REPORT FOR THE YEAR ENDED 31ST DECEMBER, 1986.

To be laid on the Table by the Honourable Fourth Elected Member of Executive Council.

- (2) THE HOUSING CORPORATION REPORT FOR THE YEAR ENDED
30TH JUNE, 1987.

To be laid on the Table by the Honourable Fourth Elected Member of Executive Council.

3. STATEMENTS BY MEMBERS OF THE GOVERNMENT

STATEMENT BY THE HONOURABLE FIRST ELECTED MEMBER OF
EXECUTIVE COUNCIL ON THE NATIONAL DRUG COUNCIL.

4. GOVERNMENT BUSINESS

MOTION:

GOVERNMENT MOTION NO.1/88
CINEMATOGRAPH AUTHORITY

To be moved by the Honourable Third Official Member.

5. DEBATE ON THE THRONE SPEECH

- (1) MOTION

To be moved by the Honourable First Official Member, Leader of Government Business:

"Be it resolved that this Honourable Legislative Assembly records its grateful thanks to His Excellency the Governor for the gracious Address delivered on Friday, 12th February, 1988."

6. ADJOURNMENT

To be moved by the Honourable First Official Member, Leader of Government Business.

TABLE OF CONTENTS

	PAGE
PRAYERS	1
ANNOUNCEMENT BY THE PRESIDENT:	
Apologies	1
PRESENTATION OF PAPERS AND REPORTS	
1. Annual Report and Audited Accounts of the Agricultural and Industrial Development Board (for the year ended 31st December, 1986)	1
2. Report of the Housing Development Corporation (year ended 30th June, 1987)	2
GOVERNMENT BUSINESS	
	MOTIONS:
(a) Government Motion No. 1/88 - Cinematographic Authority	2
(b) Motion for the Debate on the Throne Speech	3
	DEBATE ON THE THRONE SPEECH:
Mr. D. Ezzard Miller	3 - 10
Hon Capt. Charles L. Kirkconnell	10 - 14
Mr. W. McKeever Bush	10 - 18
ADJOURNMENT	18

TUESDAY

16TH FEBRUARY, 1988

10:00 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 the House are resumed.

APOLOGIES

We have apologies for absence from the Elected Member for East End and the Third Elected Member for West Bay. Presentation of Papers and Reports. The Honourable Fourth Elected Member of Executive Council.

PRESENTATION OF PAPERS AND REPORTS

THE AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD REPORT FOR THE YEAR ENDED 31ST DECEMBER, 1986

HON. VASSEL G. JOHNSON:

Mr. President, Honourable Members, I beg to lay on the Table of this Honourable House the Annual Report and Audited Accounts of the Agricultural and Industrial Development Board for the year ended 31st December, 1986, as required by the Agricultural and Industrial Aid Law, 1978.

MR. PRESIDENT:

So ordered.

HON. VASSEL G. JOHNSON:

Mr. President, Honourable Members, the Agricultural and Industrial Development Board provides medium to long term credit, particularly to small business which, in many instances, would be unable to qualify for commercial bank financing, for one reason or another.

The Board, which derives the bulk of its financial resources from the Caribbean Development Bank, differs somewhat from the commercial banks in that it assesses projects not only in terms of their financial viability, but also in terms of the contribution that they make to the economic development of these Islands. The Board's role is therefore to supplement and complement that of the commercial banks.

In assessing development projects, the Board undertakes a comprehensive appraisal to test their technical and financial soundness as well as their economic viability. After implementation, the Board also closely monitors and supervises these projects. This involvement in all areas of the project cycle is critical to the proper functioning of the Board itself, as by its very nature and organisational objectives it is exposed to greater risk than the commercial banks, simply because the commercial banks would more easily foreclose on loans whereby the Agricultural and Industrial Development Board (AIDB) has certain lengthy procedures, before any such action is taken.

There are many pioneering projects of above average investment risk which would not normally be financed from other sources if it were not for the AIDB's funds. This is due to the strong emphasis which the Board places on the economic impact of these projects as far as the country's development is concerned.

The AIDB also functions as an advisory body to its clients by providing guidance, technical and management advice, as well as moral support which is sometimes very important. It is by maintaining this close relationship with its borrowers that undertaking of proper loan supervision is very important in the entire operation.

1986 has been a year of positive growth for the institution. A total of six loans were approved, amounting to \$259,000. These included a commercial fishing boat, farm equipment, heavy equipment and so on. As at 31st December, 1986 the Board had approved 54 loans amounting to \$1,366,023. The highest activity of 49 per cent is recorded in the area of small industry credit, especially in tourism oriented projects. This is followed closely by agricultural credit, which is some 42 per cent.

As I said a while ago, AIDB's primary source of funding continues to be the Caribbean Development Bank, and since its inception, four lines of credit have been extended to the Board, amounting to C\$1,721,202, which includes two for small industries, one for farm development and one for agriculture and industry. The lines of credit for small industry and farm improvement were exhausted or committed in previous years. The funding for the 1986 loan approvals were from the agricultural and industrial line

of credit. This line of credit amounts to US\$1,100,000, and includes a Student Loan Scheme component of US\$300,000.

I may say a word about the Student Loan, Mr. President, as this is a very important aspect of the educational programme for these Islands.

In earlier years the Student Loan Scheme was administered by the Education Department of the Government, but the responsibility under the agricultural and industrial line of credit was transferred to AIDB, the local office, as executing agency for the Government of the Cayman Islands. An amendment to the Agricultural Industrial Aid Law, 1978, was passed in this Honourable House to reflect the widening of the Agricultural and Industrial Development Board's responsibilities to include loans for educational purposes.

In 1986 the Board passed a resolution to provide a general provision for bad debts, which represented two per cent of the total balance outstanding on the loan portfolio, inclusive of interest. As at 31st December, 1986, this figure amounted to CI\$17,141. The rate of two per cent is subject to review on an annual basis.

The loans from Caribbean Development Bank comprise the main liability to the Board. AIDB acts as executing agency for the Cayman Islands Government, and mainly for the purpose of promoting agriculture, industrial and tourism development on the Islands.

The total facility approved amounted to US\$2,065,443 and each loan facility bears interest at rates varying from 4 per cent to 9.74 per cent, and are repayable over 15 years.

The operating expenses of the Board continue to be met by the Cayman Islands Government and as at 31st December, 1986, the Board had retained earnings of \$210,141, as compared to \$185,428 the previous year, an increase of 13.3 per cent. The main source of income was from interest, sub-loan and term deposits.

Mr. President, all the other details of the Report and the Audited Accounts are contained in the document which has been laid on the Table of this Honourable House this morning.

Thank you very much.

MR. PRESIDENT:
Member of Executive Council.

Papers and Reports. The Honourable Fourth Elected

REPORT OF THE HOUSING DEVELOPMENT CORPORATION FOR THE YEAR ENDED 30TH JUNE, 1987

HON. VASSEL G. JOHNSON: Mr. President, I beg to lay on the Table of this Honourable House the Report and Audited Accounts of the Housing Development Corporation for the year ended 30th June, 1987, as required by the Housing Development Corporation Law, 1981.

MR. PRESIDENT: So ordered.

HON. VASSEL G. JOHNSON: Mr. President, in presenting the Report and Audited Accounts of the Housing Development Corporation, I must also tender apology for the delay in submitting the Report which should have been laid on the Table of this Honourable House before the end of October, 1987. The delay was unfortunately caused by the continuation of staff problems in the Corporation's office.

Looking briefly at the accounts and in relation to the financial status of the Corporation, we see that the deficit which on 30th June, 1985, amounted to CI\$82,140, has now been reduced to \$42,627. As soon as the position improves further, it is the intention to create reserves for bad debts and for debenture redemption. The accounts also indicate that there is cash in hand of over CI\$380,000. However, according to present loan commitments and new applications, it is likely that all this cash will be utilised within a few months of the new financial year.

The Board, in reviewing the position, has decided to start investigating possible new sources of funds in order to continue its mortgage lending. It is the view that the present 5 per cent debenture which has so far provided mortgage funds, lends little hope of raising additional funds in any appreciable amount. Before considering alternatives, and as a last attempt, institutions who have not yet participated will be invited to support another issue of the 5 per cent debenture. If this fails there will be no alternative but to re-approach the local banks with new proposals that hopefully, will produce sufficient money to enable the mortgage portfolio of the Corporation to operate on an economic basis.

Mr. President, we on the Board are optimistic over the future of the Corporation, its ability to attract more funds to continue its mortgage lending to low income Caymanians, and also to continue building itself into a financially viable entity. The Board wishes to place on record its grateful thanks to the Government for its support in the past and the hope that this support will continue in the future.

Thank you, Sir.

MR. PRESIDENT: We move to Item 3 on today's Order Paper, Statements by Members of the Government. The Honourable First Elected Member of Executive Council.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

HON. BENSON O. EBANKS: Mr. President, I have to apologise, Sir, the Statement is somewhere between my office and this building - it was delayed in being typed. I wonder if we could take the next item on the Agenda?

MR. PRESIDENT: With the leave of the House, agreed.
Item 4 is Government Business. Motion No. 1/88. The Honourable the Third Official Member.

GOVERNMENT BUSINESS

GOVERNMENT MOTION NO. 1/88 CINEMATOGRAPHIC AUTHORITY

HON. J. LEMUEL HURLSTON: Mr. President, I beg to move Government Motion No. 1/88, captioned "Cinematographic Authority". The Motion reads:

"WHEREAS under Section 2 of the Cinematographic Law, Chapter 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, 1988:

Mr. Linford A. Pierson
Mr. D. Ezzard Miller
Mr. W. McKeeva Bush."

MR. PRESIDENT: The Motion has been duly moved. Does any Member wish to speak? In that case, I shall put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 1/88 PASSED

MR. PRESIDENT: The fifth item on today's Order Paper, Debate on the Throne Speech. Motion, the Honourable the First Official Member.

MOTION FOR DEBATE ON THE THRONE SPEECH

HON. THOMAS C. JEFFERSON: Mr. President, I beg 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 12th February, 1988."

MR. PRESIDENT: The Motion has been duly moved.
The Elected Member for North Side.

DEBATE ON THE THRONE SPEECH

MR. D. EZZARD MILLER: Mr. President, I would like to congratulate you, Sir, and the Government, on yet another Throne Speech of optimism, ambitions and innovations but one that is tempered with caution as the times dictate. Gone are the days, we hope, when Throne Speeches are filled, especially in election year, with election propaganda, wild promises of reckless spending and careless policies.

I would also like to associate myself with your remarks in paying tribute to the many people who so graciously give of their time and expertise to serve on statutory and advisory boards in Government. That is, Sir, with the exception of two Boards which I will deal with later on in my debate because I do not think that those two Boards deserve any accolades whatsoever.

I fully support the doctrine of the separation of powers, but something has been on my mind and conscience for quite some time, and I feel that I must bring it to your attention at this time. It has to do, Sir, with what I perceive, rightly or wrongly, as an attitude of disrespect, and sometimes, what I interpret as insults being handed out by the Magistrates in Court. While I fully believe that criminals must be punished to the full extent of the law, I do not believe it is always or even at any time, necessary to degrade people who have committed minor traffic offences.

It is good to see that the Royal Cayman Islands Police Force is achieving some success in its battle against crime. But I do not think there is any time for complacency or to tap ourselves on the shoulder. I think we have to, as the older Caymanians used to say, "hold our noses even more carefully to the grindstone", to prevent a reoccurrence.

Now, Sir, I note from your Throne Speech that you said that "the efforts will be greatly assisted by the recent acquisition of a purpose built police launch". I believe that, Sir, but the launch is going to serve no purpose tied up to a dock in Governors Sound and the keys being in East End. This is no hear-say, Sir, this is an experience of mine that I am going to relate to you which I have previously related to other authorities. In fact, I called the Chief of Police on the given day.

I decided to go and have a look at the new boat, and on arrival there, I was told they would be happy to show me the boat. Unfortunately, I could not see inside except for looking through the windows, because the keys were in East End. It is, I believe, Sir, a good piece of equipment. I believe it can serve the purpose for which it was bought, but it has to be used. It also behooves me why the people responsible for purchasing such a boat, which is so well equipped with electronic gear, all necessary for it to perform its purpose adequately, did not see fit to include a generator. I understand that one is now going to be fitted, but the time to do these things ... and why I am raising these points, is because I intend to deal in some detail later on with what I see needs to be done with the Marine Section of Enforcement in this country if we are going to get the use that we need for the money spent on these boats.

I guess now that we are talking about boats, is as good a time as any to get it off my chest. Because further on, on the subject of Customs, we are told that Customs is about to buy a patrol boat too.

Now, I believe that policemen should remain as policemen. I believe that Customs Officers should remain Customs Officers for which they are trained, as are the police. What we need are some good boat people to operate these boats and to take these officers along on their patrols because we really cannot expect a policeman or a Customs Officer to have time as well to maintain and properly handle a boat.

There is another little rumour on the marl road, Sir, that was not mentioned in your Throne Speech, so I do not know whether it is true or not, but sometimes those rumours have a way of becoming true. And that is, that some consideration is being given in Government - and I have been unable to determine whether it is true or not, I have asked questions, but I guess after I sit down today I will get the answer - and it is contemplating selling a piece of property it owns in Salt Creek. Now, I see that piece of property as being the answer to Government's problem with marine boats where a proper marina could be set up and where the boats could be properly maintained. When they come off a patrol you can wash the salt off their electronic equipment etcetera. Because where they are now there is no electricity, no water, yet we are expecting these people to maintain a \$300,000 boats which is difficult to do without the necessary equipment.

I believe what we need to do is to develop a marine enforcement arm, whether we want to call it a coast guard or whatever, under the Port Authority which is charged

with the operation and maintenance of all the Government boats, and keeping them in running condition so that they are always ready to go. The day I went to look at this boat the key was in East End and the other boat could not move because the batteries were dead. So if a common sailor like myself who does not know very much about sailing had been out in the North Sound in a 35 knot wind and got into trouble, no one could come along to help. The radios were working, they had enough battery life for that but they could not have sent a radio to get me or anybody else.

I only mentioned these things, Sir, because I think it is of utmost importance if we are going to spend taxpayers' funds to buy boats which - do not misunderstand me, Sir - are needed and necessary, they must be properly maintained and they must be used. I was told on that day, which was some three to four weeks after the boat had arrived on the Island, that the engines had not been broken in. The day that boat was put in the water they should have gone around and around the Island until the engines were broken in, so that it would be suitable for use.

I believe that we need to look carefully at the utilization of these boats and not have ten different departments owning ten different boats, with all the engines seizing up because none of them are being used to their fullest extent.

On Immigration, Sir, it is a touchy subject, because our economy, as the editorial in the local paper referred to today, continues to expand and the demands of the labour force continues. People, unfortunately, see the immigration problem only when it affects them on an individual basis. Everyone wants something done at the Immigration Department through the Caymanian Protection Board about the work permit situation, but do not take away Ezzard's maid because I need my maid real bad but you take away Tom or Joe's maid, Tom and Joe do not need their maid.

I think we have to be realistic. I speak subject to correction as always, Sir, but I believe that there is probably some 2,000 to 3,000 people who can qualify for Caymanian status at this time; that means, their children, grandchildren, great grandchildren, and all the generations that come thereafter. I believe the public need to understand the threat, as I see it, to our political stability, etcetera, by these huge numbers that I believe exist. Do not misunderstand me, I know it is not a right that they have Caymanian status, but they can qualify for the privilege. Everybody knows what my position is on Caymanian status and the whole Caymanian Protection Law. We should burn the present one and write it on one page - Stop the granting of Caymanian status dead in its tracks.

Who is a Caymanian? A person born in the Cayman Islands, of at least one parent. How do you get Caymanian status? By marriage after ten years, or by descent from a grandfather. If you do not fall into one of those two categories, you cannot ever get it. We only have so many square miles and we have to think about the future generations. How do you get to work in the Cayman Islands? You apply for a work permit which allows you to work here, but you could be here the rest of your life and cannot ever qualify for status if you do not have one of those two connections. I think that is a simple, straight forward way, everybody will understand, it can be written on one page and we do not need 300 pages and six different ways of getting Caymanian status.

Talking about the Caymanian Protection Board, Sir, I believe that I can defend the functioning of that Board. I believe they are doing a good job. I believe that the Directives that have been issued are reasonable Directives. But I would like to see the Public Service Commission adopt those same Directives, and use them as well when they are hiring people. I think it is only fair to the private sector if the public sector obeys the Directives and the Laws as well.

I will sound the bell now Sir, if I cannot convince the present Government between now and April to bring an amendment to the Caymanian Protection Law to stop the granting of Caymanian Status we will fight it out in April in a Private Member's Motion. So due warning has been given.

In September last year I tabled a Private Member's Motion concerning the Caymanian Protection Law which I thought was successful. But at this point in time, some months and two meetings later, I wonder whether I was successful or whether I only got lip service. Certainly, the Bill to produce the amendment which I called for, namely the removal of the exemptions for the crew of vessels not requiring work permits was a simple one. That is a two line Bill. I am much perturbed and very disappointed, that the people responsible have not brought that Bill forward. Though minor and short in its length, I believe it is very significant because of what I see happening in the dive industry in this country. Nor have I seen any administrative action, any proclamations or any publicity given to the redefinition of "gainfully occupied".

I do not like to stand here and expound on these things and somebody gets up and says, "Yes, that is a good idea" then it is forgotten. I have had several instances of that in the last three years, and it is beginning to wear thin on me. I think if we agree on something we should get on with it. I hope that sometime in this Meeting I will get a reasonable explanation. I can tell them it is not going to be acceptable but maybe I will get an assurance that it will come in April.

Speaking about April, I think we are going to be here for a long time in April. It seems as if there is a lot of legislation coming down the pipe for April.

The Broadcasting Department is doing well, it is 90 per cent Caymanian staffed, and the revenue it collects covers its recurrent expenditure. But there again, maybe I am flogging a dead horse, my position is that it should be a publicly owned corporation and run by a board of directors and not as a department of Government. I tried in the past, through a Private Member's Motion, to bring this about but that was unsuccessful. They did not fool me that time, they told me point blank that they were not doing it. But since we are going to be here for a long time in April, maybe I will bring it back then. This is an election year, I think it is important that since it is the only radio station in the land, no possibility exists for labelling it as a mouthpiece of Government or anything else. I think we should set it up as a statutory board run by a board of directors.

I also believe that the Government Information Service is doing a good job. I have no doubt in my mind that the present Government has made attempts and has been an open Government. Now it is rather unfortunate that the Chamber of Commerce, through its abrasive and, in my opinion at times, obnoxious Manager, I believe has blown a good thing. I believe they had a golden opportunity for action or reaction with Government. But it seems like every piece of legislation, or programme that Government seeks their input on, they simply blow it out of all proportion, spit in their faces and all sorts of things. I do not know about the other Members, but for me a spade is a spade.

I do not read correspondence that comes to me from the Chamber of Commerce any more, I do not even open their mail. I read everybody else's input on the Building Code, but I did not read that of the Chamber of Commerce. I have been called a Communist and a Socialist by them and their Manager often enough. To top it all off - I have been elected for three years - the last piece of correspondence I opened from him, he wanted my telephone number so that he could circulate it to his members. People in North Side have found me when they needed me, they know how to find me. I do not need him to circulate it on his propaganda sheets to other people.

I will never forget in 1982 I took a small delegation from my community to the Member for Communications and Works who at that time was the Second Elected Member for Bodden Town. He asked me what I was doing there, why was the Member at the time not there? The people I accompanied told him they wanted me to come with them because the Member would not come. His answer was, "Well, if Mr. Miller wants to govern he has to get elected". End of conversation, that was it. So, I will give that advice to the Chamber of Commerce. If they want to govern they have to first get elected in November.

It was then put in the paper that I am suggesting that their Manager should get elected. I did not suggest it he is now leading them, I suggested that he should lead them in

their campaign. I fully believe that the Council guides his actions. But what I would like to see them do in the future is not to hide behind that title "Council for the Chamber of Commerce". Do like I do, sign it with individual names, so when they start coming out from behind the trees and the woodwork here in September, October and November, we will know who they are.

The Civil Service: I see that we now have a new Director of Training, and his immediate task areas are going to be clerical, supervisory and managerial and that this should improve productivity. I think it will. But I also think they need a Time and Motion Study. I know that a Time and Motion Study is going to step on a few people's toes. It is going to be unpopular with some people, because some people are going to get hurt. But if you are going to improve efficiency, that is a necessary evil. The UNDP management project for senior staff is to be implemented in 1988, and, while I will not claim to be an expert in management, I would volunteer, Sir, free of charge, to teach a part of that course if they would like to consider it scientific decision making, specifically the Hamilton 14 Steps or the Minnesota Way. I believe that this country has grown to the place where decisions are going to have to be made on a sound, scientific basis, now and in the future.

Mr. President, the Report for the 1988 Quadrennial Review of Salaries and Conditions of Service has been implemented. I was hoping it was going to be tabled in the Assembly, Sir. I would like to see it.

I read an article in the press some weeks ago where new charges had been introduced in the Legislative Assembly to members of the public for Bills, papers and so on. I have had some flak on it and had some blame but I want to make it emphatically clear that I had nothing to do with the introduction of those charges, that I am diametrically opposed to them and would like to see them discontinued immediately. I believe it is reasonable to charge a small amount for laws which have been debated and passed, but I think it is a bit onerous to ask the public to pay for Bills when we as legislators, and Members of Government, need the public to have free access to those Bills particularly so that we can get the necessary feedback.

Now I have done what I promised the people to do - that is, I try to have a meeting before every Legislative Assembly's meeting to discuss legislation. I did not have one this time, because there is no legislation to discuss. But I do not believe, Sir, that the dollars that will be collected from that source of revenue will be worth the flak, the adverse publicity and the inconvenience to members of the public who I believe are entitled to that sort of information.

Mr. President, I too would like to thank the retiring senior Civil Servants for their valuable services to the country.

I would like to congratulate the Honourable Financial Secretary on the establishment of his Economic Development Unit. I think that is a very significant and important step to provide necessary input, again, for proper decision making and programme financing etcetera, for this country in the future. I like the idea of a Budget Controlling Officer being appointed in each department. Of course, I would like to see this going a step further. I would like to see programme budgeting, instead of line item budgeting, so that we cannot slip the inefficiencies here, there and everywhere. If we programme \$5 million for five miles of road and we do not have five miles of road at the end, through responsibility accounting, somebody has to come up with the 50 feet of road or whatever it is short of.

The Mutual Legal Assistance Treaty I believe, has stood the test of time and certainly an 18 per cent growth in company registration in 1986 speaks well for itself, as does the \$7 million collected as revenue.

I also note, with particular interest, that Government is appointing officers to form the nucleus of a Maritime Inspectorate. Now I am not sure, I will ask the question and I am sure I will get an answer before the Sitting is out, whether that small nucleus is the two U.K. officers, or whether that small nucleus is going to include the filling of the post which was created in Finance Committee as a result of my Motion to allow a Caymanian to be placed in that department, as I said, Sir, preferably as Head of the Department? I believe that if we are going to maximise the benefits that Caymanians get from experts we have to change the way we use the experts.

Presently, as I understand it, most experts are brought in as an advisor, equal or above the Caymanian, and is asked to train him. Now that is hard on human nature Sir, and I know how I would feel training someone to take over my job. I believe that if we put the Caymanian as the head, and he asks the expatriate expert a question, he should answer or explain it. The present system is, if the Caymanian asks too many questions he runs the risk of being put up for insubordination.

I believe, as I always have, that Ship Registry, if operated the way we have operated our other financial industries such as Companies Registration, Banking and Insurance and if it is set up properly, we can make some good money out of it.

Now, Mr. President, I would like to compliment the Legal Department on producing the great volumes of legislation we passed last year. I think they did a fantastic job and I do not subscribe to the notion that one lawyer is walking around town with the Building Code saying that it is illegal and has no legal foundation in law. I think that we all should judge people by their past performances. When it comes to that individual who shall remain nameless, if we want to see what his performance is like, we only have to drive down to the main entrance of Governors Sound and go right on out until we get to the water. There is a partially white object anchored there which is a navigational hazard. I say partially white because I have never in my life beheld anything made of wood with so many rust marks on it, Sir. But I think that is a clear example of judicious spending of, you could say, public funds. It was raised from the public of this country, and conscientious community concerns. I think the Legal Department can take with a grain of salt, as I certainly have, what is being said about the illegality of the Building Code.

Now, I go to the Health Services Department. I note with interest, Sir, that we are trying to abide by the World Health Organisation's theme "Health for All - All for Health". I support that. I support promotional activities through the media and I also support a study to assess the number of hospital beds necessary for the next 15 years. Whether we need a new hospital or not. We have a few or many improvements listed here:

- Arrival of a full time psychiatrist;
- National Drug Counsel;
- Surveillance and monitoring of AIDS;
- Thyroid function test;
- Physical Therapy Department being fully staffed; Statistics Unit (which is necessary, I agree, for sound planning);
- Prison Health Services staff; and
- Dental Department to expand.

Mr. President, the unfortunate thing is that all of these are in themselves improvements, but they are lost in the maze of poor administration and lack of national policy and guidelines for health care.

I agree, the most important thing in this country is to ensure the availability of proper and adequate health care for all the people of this country. But that cannot be addressed, Sir, without addressing the funding of the cost of such a programme. I do not believe that Government can continue to fund the cost of health care from general revenue. What this country needs is a national health policy which clearly identifies the level of health care that is going to be provided; where it is going to be provided, that is, whether it is in a central hospital with outlying clinics, how accessible it is going to be, and most importantly,

I feel, how it is to be funded. It is my humble proposal, Sir, that the only way to properly and adequately fund the health care of this country is through a proper insurance plan, whether it is compulsory, voluntary, or a combination of both. But that hurdle has to be faced, and it has to be successfully cleared.

Then, we have to put in place the administration to properly administer health care in this country. Basically, this country has always had good individual professionals in their own fields in the Health Services. What has been lacking, except for a very short period from about 1972 to 1975, is a young, aggressive Hospital Administrator who will try to pull it together and have it work as a team. Mr. President, Government has to stop hiring retired Chief Medical Officers and Hospital Administrators who have nothing to gain but a suntan. We have to get people who are young, qualified, and who have to prove to themselves and their peers that the Health Services in this country can be administered properly.

Just to give an illustration that it is not, Sir, and this is no marl road gossip, this is another personal experience. This is about one of those Boards that I told you those accolades that I gave to the hard working boards did not apply and that is the Health Practitioners' Board.

Now, I do not believe, Sir, that they have had a proper meeting in the last three years. And if they had, I would like the Member to bring the date and the minutes to prove it.

I have to apply to that Board for registration. I went to the Administration Building at the hospital in May, in June and July of 1987, seeking a form to renew my registration as a pharmacist. Nobody could find the forms, nobody knew anything about it. In August, because my professional licence expired in July, I wrote a letter, I attached a bank draft with the fee to the Chairman of that Board, and asked that that letter be accepted as my application for the renewal of my licence. I copied it to the Principal Secretary in the Portfolio, and I copied the letter to the Honourable Member as well. Nothing happened, Sir. In January this year I wrote another letter, copied it to the Honourable Member, copied it to the Principal Secretary, and, I must give the Honourable Member his due, he was the only one who replied. He sent me a copy of a letter that he had written to the Chairman of the Board and, miracles still happen Sir, three days after he wrote that letter I got the licence dated the day after his letter, in the mail.

But that is not only happening to me, Sir, there are a lot of other paraprofessionals out there who are in the same boat that I am in. That Board, in my opinion, is a very important board for this country, and it must carry out the Health Services Law to its fullest extent. If they are not going to do it, I submit that as members they should resign *en masse*. The people of this country are at risk if they do not do their jobs well in screening people who come here to practise medicine and whatever specialty or in whatever supporting paraprofessional role.

The other one, Sir, is the Pharmacy Board, and I will declare publicly that at the present time I have a vested interest in this. But, I believe I have a professional and a moral obligation to bring this to your attention, because I do not believe that Board has met either. I hope to be divested of my vested interest before April. If that happens, I will bring another Private Member's Motion on behalf of the local Pharmacy Association for improvements to the Pharmacy Law. All of those laws were written in 1974, at that period when we had that aggressive young Hospital Administrator, but it needs some revamping in today's age.

To compound that, it is my understanding that the Medical Society has just taken a decision in one of their monthly meetings to amend their Code of Ethics which was adopted a couple of years ago to allow them to sell medications. I have no axe to grind with physicians dispensing medication, as long as it is done properly. But when a patient comes into my pharmacy at 4:30 on a Saturday evening or whenever, with a bottle in hand saying that they are out of their blood pressure pills or heart medication, I look at the label which in some instances is a piece of masking tape or a piece of elastoplast taped around a bottle, it does not say what medication the patient is on, it does not say what quantity of pills the patient has had, it does not say whether the prescription is refillable and it does not give any date. All it says is one multiplied by four times a day.

There are certain standards that should be maintained. I cannot help that patient at 4:30 in the afternoon without the proper information being on the bottle and the patient could well die over the weekend because he did not get his medication.

I am only using this as an illustration to show how important I believe these two Boards in Government are. It is my humble submission that they have to pull up their socks and they have to get their act in gear because the people are at risk.

The Educational system, I believe, is well on its way. I think we have to find a way, and I agree with your sentiments, that the effectiveness of preparing students must be reviewed and increasing expectations of our young people require more emphasis on career guidance. I think that should be coordinated with the Labour Department's Survey which is presently being conducted, but of course we have to understand that we have to deal with the Chamber of Commerce again. They are going to be telling their members not to give Government this information, because this information will be sent abroad, they just want to find out what is going on. But that is necessary information with which the education system is going to be able to guide people into careers, so that they can get employment and fulfil their expectations. There is nothing worse than going off to a university and getting a degree, whether in specialised or general business, then coming back to sell stamps, when you are trained in mechanical or electrical engineering.

I believe that we have to find a way to coordinate what is going before the Caymanian Protection Board, it is necessary to know who is getting work permits, what are they getting work permits for and what the demands are in the labour force. That information has to be passed into the schools to guide students. When the people come back qualified and there are positions available - there is a sword here in this country that has operated for many years, and it cuts both sides the title of that sword is "qualifications and experience" - if you have the qualifications, they tell you they need experience - yet you need the qualifications. If you have the qualifications, they tell you that you will need experience. Of course, some of them who are telling you that have been there for fifteen years, but they only have one year's experience, because they have been passing the same papers over their desk for the last fifteen years. But they tell you as a young qualified Caymanian you need fifteen years experience of passing a piece of paper before you can do the job.

We have to find a way of properly assessing these claims of high qualification standards of umpteen years of experience and evaluating them in some way to the functions of the job. I had one young member of my constituency with whom I was talking just this past week, who went off on a scholarship from a local company and got a degree in Business Administration with a major in Computer Science. When she returned, the Personnel Director in the company told her that her three years in college was just for partying and exercising the brain, she really did not know anything. Then we see an advertisement in the newspaper for someone with the same degree but they need to have fifteen years experience. So, the Caymanian cannot get the job. That Sir, is a powder keg that we have to get the cap on. We have to find a way, whether we should take the Caymanian Protection Board away from the Immigration Department and give it more investigative power - I do not have any magic solutions, but it is something to which we must address our minds.

There are people in this room who will tell you that the Member for North Side has no tolerance nor patience. He wants everything done immediately. But the generation coming behind me does not have half as much tolerance and patience as I have. Somehow we have to balance what the perceived needs, qualifications and experiences are for these people and these jobs, what is reasonable for a job of that nature versus what the company says it needs in order to perpetuate the individual with whom they rub shoulders at the cocktail party in the job.

MR. PRESIDENT:
we will suspend proceedings for fifteen minutes.

Would that be a convenient moment to break? In that case

AT 11:17 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:39 A.M.

MR. PRESIDENT:
Side.

Proceedings are resumed. The Elected Member for North

MR. D. EZZARD MILLER:

Mr. President, dealing with Social Services, I am heartened to see that the Juveniles Law has been completed, and that it will be presented in April. You know, that Member once told me here that 1st April was All Fools' Day, but I believe we are going to pass that before we get to the next meeting.

The Social Services Department is growing rapidly. I am not sure whether that is part of the solution, or part of the problem. I noticed that the Caring Homes have been, apparently, completely revamped from the administrative side. I must say, Sir, that what I have seen I am not happy with. We had a middle-aged Caymanian couple who had successfully raised a family and operated the Caring Home as a family home and which was much more acceptable than what is happening now.

Over the last two years the Home has been administered from long distance by a Caring Home Administrator with the parents not necessarily living in, having breakfast at the Fort Restaurant instead of having breakfast with the kids. I believe that the Caring Home should be administered like a family environment and bikini-clad young adult houseparents are not my idea of the kind of parents that I believe need to be in those Homes. I do not think we necessarily need to have somebody with a doctorate degree to administer the Homes. I think what the Homes need more than anything else is love and care for the children who are placed there.

Sports cannot be over-emphasised. The Director of Sports, I believe, is doing a good job. To call 1988 the Year of Sports is a step in the right direction. I believe most of the sporting organisations are carrying their own weight in terms of organising events for 1988. I hope, with the help of the Member responsible, to see the North Side football field completed so that it can be used by the Football Association for the September league, and we will have regular organised football games in the eastern districts, probably for the first time in history.

I see we have got the computer printout from that Department, that should be producing mail instead of paper, but we will see what happens.

Now, Mr. President, Natural Resources. I note that:

"A committee under the Chairmanship of the portfolio is engaged in a study which will produce recommendations to Government for regulating the watersports industry. It is hoped that the necessary legislation can be brought to this House during 1988".

(at least this one will not be in April, Sir).

"Some controls on operations in this industry appear essential if further deterioration of our attractive marine resources is to be avoided; safety aspects and regulations for the increasing number of boats in the industry are being carefully examined."

I fully support the regulation of this industry from a safety point of view and the prevention of overuse but, I will hasten to warn that I will not support anything which tends to limit the number of Caymanians that can become involved in the watersports industry. If we need to limit the number then we need to send home some of these foreign sailboats and some of the foreign sport fishing boats and give the Caymanians a chance. I understand the Hyatt is going to delve into sport fishing now, they have got a big sport fishing boat on the way down. I think it left Key West yesterday. The E.I.U. is kind of active, you know, Sir.

But getting back to the dive industry. As you are aware, I negotiated a gentleman's agreement between the North Side fishermen and the operator of the Aggressor dive boats, not once, but twice. The first time they said they did not have anyone of authority there, so we had another meeting.

Last night, the M.V. Aggressor was anchored where they had agreed they would not anchor. I have finished playing games with these people. Presently that agreement has no backing in law and therefore no authority. But Sir, if permission is granted, I intend to table a Private Member's Motion in this Sitting to create a fourth zone in the Marine Park called a "No Dive Zone". And, just as the fishermen who cannot go into the Marine Parks Replenishment Zones and wreak havoc, the divers will not be allowed into the 'No Dive Zones'.

The fishermen have been here a long, long time, and have given up a lot of privileges and rights to the watersports and dive industry. When we sit down in a public forum and after much discussion, come to a gentleman's agreement, and after seeing the Aggressor anchored there last night it has turned out to be an utter waste of time. We have gone as far as having someone from the Port Authority, produce coordinates to define the areas to make it easy on these people. All they have to do if they cannot find it, is push the coordinates on the loran. When the word "arrive" comes up on it they stop and do not go any further. But they think, because they have a big boat in North Side, and the men there only have a ten foot dinghy, that they can do as they please.

The watersports industry needs to be regulated. There is no other industry in this Island that has anywhere near as high a percentage of foreign labour as that. Some of them look to me as if they are totally foreign, from owner to management, to divemaster, to boat cleaner, right on down the line. Fronting, or what appears to be fronting, seems to be rampant by individuals who do not need to front, who are in the watersports industry and who can afford to expand. Then the Caymanian Protection Board will refuse their application but when they go outside, they tell them "We have refused the application, but you can reapply in this way".

Look in the dive magazine for the address of Nick's Aqua Sports, and you see it is Biscayne Boulevard, Miami. You go to the beach, sit down there all day, and you see one little Caymanian girl employed in the whole organisation. Of course, they are going to tell you that Caymanians are not qualified, they are not interested in working on that and that is not the whole story, Sir.

I do not have any magic wands for that one either, Sir, I do not have any magic solutions, but I think we have to pay attention to it. If the Caymanian Protection Board is going to stop fronting by the small man, they have to stop it by the big man as well.

I have known people, not from my district, but from West Bay, who are good friends of mine and who used to do sailing trips across the North Sound. Then you had these big foreign sailboats with better facilities come on stream. As a result, those little Caymanian guys are doing construction work now, their boats are tied up not necessarily because the foreign boats are offering a better deal,

but they have taken the marketing facilities. Those guys cannot even get a ticket sold inside the Hyatt. We have to be very careful that these things do not get out of hand and upset the whole apple cart.

Getting back to my suggestion earlier, we have to find a way of assisting the Caymanian Protection Board with the investigation and monitoring of these things. If I can see it, other people can see it.

Mr. President, I supported the National Trust, and I am glad to see that they are going to fix up old Fort George. There is probably only one site in Cayman that has more history than Fort George, if ever there is one, and that is the Rum Point Club. I am going to invite the Honourable Member responsible for the National Trust, and the Honourable Member responsible for Tourism, Aviation and Trade, to see what Government can do about preserving Rum Point and the Wreck Bar as it is.

It is my understanding that approval has been given in principle, to tear it down and build condominiums. I have nothing against them building condominiums on either sides of it but when that Club was built, I was a little kid living at the end of the road. The gravel, steel, blocks and so on were all taken from the Chisholm's Barcadere to Rum Point by boat. There was no road to Rum Point, it has been there a long time. It has been modified and what not, but I think that is a worthy project for the National Trust. If Government has to acquire it, we will acquire it, pay them the market value for it, but it should be preserved.

Planning - The Building Code. Mr. President, I took time out to attend the public meeting that was held in the Tower Building on the Building Code. I listened to that nameless lawyer who is responsible for that navigational hazard down in Governor's Sound talk for an hour. In the end, I think the Chairman could have asked one simple question: "And, what is your point, Sir?" In essence, what he said for an hour was nothing.

I am not going to tell you that the Building Code is perfect. That is the problem with it, they have been trying for eight years to get a perfect Building Code and you will never get one until it is put in place, it is administered and the quirks are taken out of it. I told the Honourable Member responsible that I did not agree with him giving them extra time, it should have come to the House during this Meeting. If you give those people until 1999 they are still going to say they want more time. I am as busy as any of them, and probably needed more advice on the technical aspects than any of them. But time is a relative thing and it depends on how much importance you put on something. Anyone who wanted to read and understand that Building Code had the time. All the objections of any serious nature have been met. But you still find the local press apparently going out and soliciting articles about not having enough time, even after the Member has given them another month, it is not coming until April - we are still getting articles appearing in the press that they need more time. They quoted one particular gentleman saying that, "it was too complicated". I believe they told the truth, Sir, because if they had quoted him as saying anything else, I would have been doubtful.

I think it is a reasonable Code. When the first draft was circulated, I told the Honourable Member responsible I had two concerns before I could support it. One was that the traditional process of building houses in Cayman by Caymanians for owner occupation must be allowed, and that those people who had learned the draughtsman and architectural trade by years of experience are allowed to continue - those are in the Building Code. When it is brought in April, they are going to say it should be brought in September.

I am particularly pleased, and to be quite frank, somewhat amused, by your careful choice of words concerning the Development and Planning Law, and I quote:

"... It is hoped, will speed up the processing of planning applications by rendering the requirements clear and consistent, flexible and enforceable."

I share that view, Sir. I believe it can be done, with a little bit of straightforwardness and less bureaucratic mumbo jumbo. I believe that that objective can be achieved, and it will serve this country well.

Agriculture; The Farmers Market is completed and will be leased to the Farmers' Cooperative. I think Government did the right thing, it has put its money where its mouth is. The Farmers Market has been built, now they have to use it. But Government needs to go one step further. I have advocated this for three years, I do not expect any more support today than I have been getting for the last three years and that is, they are going to have to tariff products that are produced locally in sufficient quantity and quality to supply the market. As far as I am concerned, that is *de facto*. The farmer is not going to survive until that is done.

I am not advocating that it must be done to the advantage of the farmer. I think we can put it in such a way that the farmer contracts with the supermarket, or the hotel, to supply bananas for instance, that they need for the year. If he cannot meet that demand, he has to import it, but instead of the duty being 15 per cent it is 35 per cent. On the other hand, if the supermarkets want to bring it in, they pay the 35 to 40 per cent duty. As long as the higglers are bringing bananas, onions and sweet potatoes, etcetera from Jamaica, the supermarkets are not going to go to that Farmers Market to buy it. It is simple economics - what you buy it for versus what they can sell it for. What the local farmers are producing is of good quality, you know, Sir. I was in a little breakfast shop the other morning, and the guy had a dozen foreign eggs. He cracked the whole dozen and could not get a whole yolk. I told him to go to Connolly's Farm. The next morning he had local eggs, and every one he cracked he got a whole yolk.

But the farmers must be given some chance to compete equitably. You can take a bulldozer and rip up 50 acres of farm land in Florida or Costa Rica or some parts of Jamaica, that cannot be done in Cayman, we all know that. Farming in Cayman has to be done with hand implements, most often, because although it is good soil, it is located in small pockets between very hard rock. It cannot be mechanised.

Protectionism would be nothing new for Cayman. The United States is doing it to the Japanese now, so why can we not take the bull by the horns and try to help the local farmer. I think if he contracts with a supermarket and he falls short, he should have to pick up the shortfall at the higher interest, but at the same time, we stop the people from buying it overseas, which in some cases, might be rejected stuff or it came from Costa Rica and when it got up there it was ripe, and so they sent it to Cayman instead of putting it in the stores up there. If I do not get any support for it now, one of these days I will get some support for it. There will be some crossing of the aisles later on.

Mosquito Research and Control Unit: It says that "A new electronic guidance system for aerial spraying is in use". That is needed, Sir, I agree, when you are flying the kinds of planes they are flying. The best electronic guidance system in the world can only guide the plane, it is not much good spraying the whole North Side in a 15 to 20 knot wind, because the spray is going to land in West Bay, if it lands at all.

I have advocated for several years now, I still think it is the right thing to do and, until somebody produces evidence that proves otherwise, I am going to continue to advocate and agitate that Government should sell those two prop planes or crop dusters, and buy a proper helicopter which can serve far greater and wider use than those two planes. We could use it for search and rescue. We now have a good boat, but if we have rough seas and a fisherman is out there in seven to eight foot seas, and he has no loran on board to give his coordinates, we are going to have a hard time finding him.

If you have a helicopter that could go out there, push in on their own loran, call up the boat and tell the crew that the man is at such and such coordinates, then the police boat can go directly to him. With the helicopter you could search the whole coast line of this Island in less than an hour. You could put a search light on the bottom of it that could light up the whole North Sound. Put an infrared light on it and it will pick up a cat's heart beating under a breadfruit leaf. If we are going to get serious about patrol and

enforcement, let us get serious about it. It is my humble submission that the only answer is the need for proper equipment.

I believe that part of that proper equipment has been obtained in the boat but you need the helicopter to go along with it. If a member of my constituency calls from North Side now and says that there is something funny going on up along the Queen's Highway, or there is some boat offshore apparently doing something wrong, by the time that police boat with its 3208 caterpillar diesel engines, gets up there the boats could have finished doing whatever they were doing and left.

Methods exist, Sir, to throw insecticides and larvicides in particular, from a hopper on the helicopter directly into that swamp down there. It can hover over them and put it right in the water. It does not have to go half a mile out to see to turn, wasting fuel, it can turn directly over the coastline, almost in its own length.

Government has to look at this thing realistically. We have to stop worrying about who is going to fly it, who we are going to displace if we sell this plane or that plane. In addition, we have to get Caymanians there. You will not be aware of this, Sir, because this was before your time, but I asked the question in this House two years ago what was required for a pilot to fly the MRCU plane. The answer I got was about five pages long and it is impossible, nobody else would want to do it - no social life, no sex life, you had to live with insecticides, you had to mix them and all kinds of things. We need to start being more realistic, Sir.

I see that Natural Resources is going to do a grouper survey now. I guess that is a good thing and they are going to continue to install permanent moorings. But Sir, the people in my constituency involved in this industry, made a submission to Government eighteen months or two years ago, for a list of moorings to be put in the Marine Park area of the North Sound in which they dive. Nothing has happened. Now what is going to happen when the Marine Enforcement Officer goes up and arrests one of these dive boats' crew because they have anchored in a Marine Park and one of their dive sites inside the reef is a Marine Park on Cayman Brac, Little Cayman, or the whole Seven Mile Beach? To put it in a nutshell, it is time we got some moorings in North Side.

The West Bay Water and Sewerage System is coming on stream. No doubt there is going to be a holler and a howl about the charges, but the people have to understand that it is a very expensive scheme which has to be paid for. If that is what it takes to pay for it, that is what it takes.

The water system is beginning to flow in George Town - that is good, Sir. My only suggestion is, now that we have it flowing, put it out to private enterprise. Eliminate the loan on Government's books, sell it, let private enterprise operate it. Part of the success of the Treasury in this country has been that we have never gotten into utilities - we did not get into the telephone business, we did not get into the electricity business, we made a mistake and got into the airline business and I think we should get out of the water and the sewerage business. Put it out to private enterprise - they will not hesitate to cut people off who do not pay.

I want to know which other politician besides Ezzard Miller is going to get up on the floor of this Assembly and say "cut them off if they do not pay". That is what I am afraid of, Sir. Do not misunderstand me, the people need the services, but Government cannot afford to give it to them free. Government can only give you back what they take from you, and the way our Civil Service is expanding and costing, we lose sixty per cent of what we take from you. That is not too bad by the standards of other countries. That is pretty good.

Tourism: 1987 was the best year ever. It speaks well for the Honourable Member and I hope that the Chamber of Commerce reads this Throne Speech, Sir. They are advocating that they should be doing it because the Honourable Member responsible does not know what he is doing. I think the results speak for themselves.

I think it is very important, Sir, that training programmes for hotel and industry staff are continued. I feel that the training on this is a responsibility of Government, second only to some kind of monitoring system. You see, Mr. President, the Cayman Islands unfortunately or fortunately, depending on which side of the coin you look at, is unlike a lot of the other islands or other world economies.

The success in this country has been so great that anybody who started a business, particularly in the banking and tourist industries, was successful. The money was rolling in. People were promoted to management positions in most cases, from overseas. Every year the balance sheet continued to show more and more profits. The result of that has been that the human resources have been forgotten. The people in this country have not been encouraged, they have not been given the opportunity to succeed in a lot of these industries, simply because management did not have to extract maximum output from these people in order to show a profit.

The problems in the labour force in this country today, the problems with the lack of qualified Caymanians, the problems with the Caymanians getting fed up, not getting the right breaks, goes right back to that, that is the root of the evil. Management has not had to develop its human resources in order to be productive, because we are so small in such a big market that whether the people take a day off or they stay sick or they punch the wrong button on the computer and add up somebody's account wrongly, or they forgot to send in the change of Directors to the Company's Register and so on - they had to pay the fine. It was all incidental. The profit continued to grow. But I believe we are reaching a peak, and if we are not going to fall flat on our faces management in this country must wake up. They must start paying attention to labour relations and start encouraging the people to perform. They must demand a level of performance which is going to encourage the people to improve themselves. It is going to force the people to improve their ability to produce, whether academically or otherwise.

Until owners and managers accept that responsibility and put it in practice, a lot of the training programmes are going to go to waste, because Government is expending funds to train these people as front office managers, chefs, lawyers accountants or whatever, through the Community College. The people must be utilised in the field that they are trained for. They must be utilised in such a way that they learn how to produce a worthy product. The quality of our product in the end and in the years to come is what is going to matter. That is what I see as part of the role of the Chamber of Commerce - not settling up the department to spend \$8 million out of Government's funds to advertise, or a unit to monitor the Honourable Financial Secretary's Budget. Whatever is their reasons for wanting to know what the revenue measures are going to be before they are enacted into Law, I do not know. But they need to encourage their people to pay attention to the human resources in their organisation.

When I came in this morning and saw on the Order Paper that the Honourable First Elected Member of Executive Council was going to make a statement on Social Services, I was glad because I wanted to hear what he was going to say before I had my say on the Throne Speech. I do not want to second guess him and I do not want to say too much, but I am going to say this much, Government, through him, has put its cards on the table. It has developed a scheme. It is not perfect, but I think that it is workable. It has been put on the table for two years now. We have been discussing this back and forth and all we can hear from the big associations and companies is that they can do it better.

Mr. President, in 18 months they have done nothing. I want to know what the Chamber of Commerce has done to ask its members to provide a proper pension scheme for its people? I am not talking about that scheme that they tried that was described by one learned person as a piggy-bank operation. I want the banks to publish what their pension plans are because I have been trying, in the last six months, to get certain employees to find out from certain employers what their pension benefits were. It is either that they will not tell them or they cannot tell them what they are.

I believe, Sir, that for too long big companies in this country have been quietly stashing funds away and making tremendous profits on what they proclaim to be pension plans for their employees.

Now I am going to challenge them - the Barclays and all the others - to publish what they offer in their pension schemes in the press so that I can see how it compares to what Government is offering. Let us see what the profit was on it last year. Let us see how many Caymanians in the last 25 to 30 years have received any benefits from any of those programmes. My experience with them is that one works 9 years and 9 months and they put that cap over you. As I mentioned, they are abusing the human resources and one cannot go any higher. In order to get a promotion or to expand one's horizons and get another challenge one has to go to another organisation and those 9 years, 9 months and 10 days of accumulated pension are left behind. What happens to it? Where is it? Do not tell me that the employee has not contributed because 4 per cent of his salary is taken out every month. Each time he asks for a raise of pay he is told that they have a good pension scheme for him and that is part of his salary packet.

If they can do better they must come out and publish it. I want to see it. I have not been able to buy privately anything half as good, for the same amount of dollars, that I would be paying to the scheme that Government is proposing. I have talked and have asked for figures from some of the biggest pension and insurance companies in this country, and the answer to portability and continuity which is what the Government scheme gives, has been a great big "no" from all the private institutions. One cannot take the Prudential Insurance Company's scheme and buy the same benefits from British American Insurance Company five years later. So let the members who can do better come forward and publish it in the press. I would like to see it. If they cannot do better then they must stop misleading the population of this country.

Mr. President, the Fire Department will soon be opening two new Fire Stations which are all necessary and needed. If past experience and track record has anything to do with it, they will be well administered and cared for. I am always proud to show anyone the Frank Sound Fire Station - the lawn is always cut, the trees are always nice and tidy. But when you get into the hut and look at the Police Station there is a great difference. Unless one asks me what the flag means, I do not voluntarily say that that is the Police Station. The bush there is up to the roof and the fence is all broken down.

On Labour, Sir, I want to congratulate the local paper on the articles it has been running on the Labour Law. I think it is well worth the space being used to inform the people. I wish they would do that more often. I hope that when they have finished the Labour Law they will do similar runs on the Building Code.

Mr. President, there was an article in the paper a couple of days ago of an accident on a construction site where they are now trying to start a fund for somebody who got injured. That should make people realise how important it is to have proper safety and liability insurance on these construction sites. Yet there are all those people who were so adamant that such things should not be in the Labour Law and that all it should be is one little piece of legislation that tells you what to do with gratuities.

The improvements to the tourist landing area, the taxi pick up, the new layout and especially the building of the rotunda which will force crew from these ships to go through Immigration and Customs are steps in the right direction.

Mr. President, the Master Ground Transportation Plan in its final draft has just been tabled and is now being considered by Government. It is a very well done study. It is going to keep us here from April to September discussing the wherewithal of the necessary legislation to go with it. I hope, Sir, that none of us are going to use it for political skulduggery. We are either going to do something about ground transportation, or we will not have to worry about what is going to happen to the economy. That is going to take care of itself.

Now, I would like to publicly thank the various Portfolios and Departments of Government for all the assistance they have given me during the last year on the projects for my constituency. I am sure I can count on this for 1988. With their expertise and help, my political will and a lot of my time we have gotten some things done and I believe we can get some more things done.

This year I hope to see the Water Quay Park become a reality with the building of the rest room facilities and the parking area. Hopefully, the final draft has been done for the launching ramp in Old Man Bay. I hope to see the reconstruction of the Frank Sound Road started, as I believe that is the only answer to that. We might only get a quarter of a mile, but it is no good doing what we have done in the last two years, and that is simply putting chip and spray over bad road. I think it has to be a complete reconstruction process and the Department and the Portfolio have agreed with me on that. Hopefully, I trust we can get a system where a little bit will be done each year, and in the end the whole road will be completed.

Mr. President, this is an election year. I am going to put my cards on the table, I will be seeking reelection, I will be supporting, in some way, by some association, the same people whom I was associated with in 1984 and, in addition, the Second Elected Member for George Town.

Those Members, Sir, who are hanging up their gloves and boots, I would like to tell them that I think they have done well in the last four years and if some of us get back in we will do our best to carry on the mantle piece.

Mr. President, I, too, pray for guidance for our leaders during 1988. I have faith in the wisdom and craft of Caymanians that they are going to elect the proper Government in November 1988 to continue what has been done in the past four years.

Thank you, Sir.

MR. PRESIDENT:

I sense a certain reluctance, this is entirely understandable. Would Members prefer to suspend now and perhaps we could aim to come back a little earlier? Should we say just after 2:00 o'clock this afternoon?

Proceedings are suspended accordingly.

AT 12:31 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:06 P.M.

MR. PRESIDENT:

Proceedings are resumed.

The Motion on the Debate on the Throne Speech.

Does any Member wish to speak? In fact, even if no

Member rises, I do not think I can put the question, as the mover is not present, I cannot ask him to exercise his right of reply. So we are in a hiatus! (INTERRUPTION) I am sorry, did you say bonus points for Members who have spoken?

The Honourable the Third Elected Member of Executive

Council.

HON. CAPT. CHARLES L. KIRKCONNELL:

Mr. President, I would like to say how pleased I am to be here today to participate in the debate on your first Throne Speech. I would like to congratulate and thank you for reaffirming your commitment to devote yourself to the development and progress of our Islands. You and your good wife are indeed welcomed and appreciated by the Caymanian people. You have brought a breath of fresh air

and expectations to our Islands. Your ability to unite and lead our country forward in a world full of problems and challenges is recognised and appreciated. I assure you of my loyalty and support and I hope that you will have a very successful and satisfying term of office in our Islands.

Your Speech, following that of the Financial Secretary's Annual Budget Address, should leave no doubt in the minds of our people and the international financial world that our country is not only prosperous, but financially and politically stable and secure. The policies and performance of the present Government have added to the stature of our country and have shown substantial progress in growth in all areas, especially in tourism, finance, education, health, agriculture and communications.

Over the past decade, our relationship with the Mother Country has been strengthened. The Cayman Islands Government made a decision to open an office in London, and appointed as its head Mr. Thomas Russell, one of the ablest Governors ever to serve our Islands. He improved communications between our Government and Whitehall, which has led to a better understanding of our policies, activities and our general economic and social developments. They have given us invaluable assistance, guidance and support, and the present Administration has worked very closely with them, especially with regard to the Narcotics Agreement, the Mutual Legal Assistance Treaty, and in establishing a proper Ships Registry here.

I hope that the succeeding Government will recognise the good rapport that exists and that they will continue to strengthen and build on it. This relationship is one of the main contributing factors to our country's stability.

I also hope that the succeeding Government will not ignore the projected plans and goals which have been made, that they will continue to keep our good ship Cayman on its present course and avoid the many perils on which we could flounder.

Mr. President, the important role played by individuals serving on the many statutory boards and committees cannot be over stated. They are devoted and dedicated people who have given of their time and effort to make our Islands a better place in which to live. The functions of the boards and committees are an integral part of Government, and their performances determine the quality of service which the public receives.

We are also deeply indebted to the individuals who are members of voluntary organisations and churches that are working to combat and improve the numerous social ills which beset our communities. I have said before that the root cause of most of our problems is drug abuse. Most of the crime committed in our Islands can be traced to this evil, which is destroying our country. The recent Treaty on drug trafficking between the United Kingdom and the United States Government to combat this destructive enemy is timely and welcome news because our small country does not have the resources to fight it alone.

The Royal Cayman Islands Police Force is devoting much time and effort in tracking down and arresting drug traffickers, and are bringing many of them to trial. They have also given their support to the Drug Rehabilitation Programme, and I believe, with the cooperation of the numerous organisations pulling together, positive results will follow.

The Police Training Programme, which was carried out in-house by United Kingdom's contracted officers has had a tremendous impact on the entire Force. It has improved their standards and efficiency, and provided the training that our young officers will need to perform their duties.

Last year, when Sir John Summerfield retired, we lost an honourable and outstanding gentleman who did our Islands proud. He served this country well, and greatly improved the standards of our judicial system.

On behalf of the people of Cayman Brac and Little Cayman I would like to welcome our new Chief Justice, Mr. Gerald Collett and his wife. I hope that they will enjoy their time here and that Mr. Collett will find his tour of duty challenging and rewarding.

The retirement of Mrs. Marcia Bodden, Mr. Sammy Jackson and Mr. Louis Moncrieffe will undoubtedly be a loss to the Civil Service. They have given many valuable years of service and have made their contribution to their country. I hope that they will have a long, healthy and happy retirement. It is also with regret to learn of the retirement of our first Auditor General, Mr. Roy Kelly. He too has served our country well, and I also extend my sincere wishes to him for his continued health and happiness for many years to come.

Mr. President, the past year has been a very prosperous one for our Islands, Grand Cayman in particular. The economy remains vibrant and buoyant. There have been many departments of Government whose revenues have exceeded the 1987 Budget, and as a result, the surplus for 1987 should increase substantially. We continue to receive applications for licences from reliable and substantial international banks and trust companies, insurance companies and other ordinary companies are also registering here.

The recent increase in bank and trust company fees in the Bahamas and the hostile attitude towards bankers will undoubtedly force them to consider moving their operation. It is my hope that the Cayman Islands will be the obvious alternative. We have everything necessary to attract them: a stable Government, excellent communication, laws that protect bank's confidentiality, no exchange controls, no excessive bank licence fees, and a well developed financial service sector.

Water and Sewerage has been the subject of much discussion and debate for many years. People have been concerned about the spread of water-borne diseases, especially in certain areas of George Town where tests have shown the water to be contaminated and polluted. I am pleased to know that some people in the George Town area are now receiving pure, fresh piped water for the first time from the George Town reservoir. No longer do they have to worry about the risk of cisterns and well water becoming contaminated and polluted.

The sewerage project along the West Bay Beach Road and Water Road is progressing very well, and I am happy to know that very soon, some of our big hotels, condominiums, apartments and residents in these area will be connected to the Sewerage Treatment Plant. With this on line, it will help to protect our environment, and in so doing, preserve our Islands for future generations. I am proud to be associated with these very important projects.

Mr. President, I turn now to the subjects of my Portfolio. The Postal Department.

I said last year in my debate on the Budget Address that the General Post Office staff were having difficulty coping with the increasing postal traffic, and that a new General Post Office was badly needed. Action has been taken to construct a new General Post Office this year to alleviate the inadequacies of the present Post Office. Finance Committee approved the sum of \$2 million which has been included in the 1988 Budget for this project. The architects will have the plans completed soon, and I hope construction of the building will start shortly.

The Port Authority: Work on the tourist landing site has started, and already one can see some of the benefits which will be gained from the planned improvement to the area. The building which was used by the Department of Tourism has been demolished and off-the-road parking which has been provided for the many bus operators, has been completed and is now in use. We expect to have this project completed by the end of April.

Within the next few weeks plans for the new Port Authority building will be submitted to the Central Planning Authority, and the start of construction is scheduled for 23rd May this year. Last year the Port Authority handled the largest tonnage of general cargo in its history. A total of 100,016 short tons were handled, which exceeded 1986 by 13,165 short tons, or an increase of 15.15 per cent. The record

set in 1980 of 114,789 short tons of cargo landed included 28,008 short tons of aggregate and sand, and 86,678 short tons of general cargo. The new record for general cargo landed in 1987 exceeded 1980 by 15.25 per cent.

After the General Election in 1984, I became Chairman of the Port Authority. Early in 1985 I was informed that the cargo handling charges would have to be increased in order to cover the cost of rising operating expenses. This situation was discussed with the Board of Directors, and a special Committee was formed to investigate the operations of the Port and to determine if any savings could be effected before we increased the Port charges. The Committee reported its findings and recommendations which were accepted, and steps were taken to reduce all unnecessary expenditure, and improve the overall efficiency of the Port. The financial position of the Port gradually improved, and we were able to avoid having to increase the handling charges.

Because the accounts of the Port Authority were in such disarray, the Auditor General and his staff did not have the time to carry out the examination and audit of the Port Authority's accounts. It therefore became necessary to employ a firm of Chartered Accountants to straighten them out. It took them until 1986 to complete the audits for the years 1984 and 1985.

When the Audited Financial Statements for December 1984 and 1985 were completed, they showed that the net income for the years ended December 1984 and 1985 were: \$20,825 and \$47,458 respectively. In 1986 there was a marked improvement in the financial position of the Port and the net income for that year was \$291,057. The unaudited accounts for the financial year ended 31st December, 1987 show a net income of C\$278,801. However, the finger pier had to undergo substantial repairs which cost \$361,439 and was paid for from the revenue of the Port. If the net income and cost of repairs are added together, the net result would reflect a net profit of C\$640,240 for the year ended 31st December, 1987.

It took a lot of time and hard work to put the affairs of the Port Authority in order, and I would like to publicly record my thanks to the dedicated directors and management for their cooperation and support. I am confident that the Port Authority will continue to be viable, and that in November, my successor will have an organisation that is not only functioning properly, but is also making a profit.

The Public Works Department: Young Caymanians leaving High School have been encouraged to join the Department, where training for technical careers is offered. There are opportunities in many fields if they apply themselves and become qualified. The Department provides architectural and engineering services for every Portfolio in Government, and are busy supervising the capital projects on Cayman Brac and Little Cayman as well as Grand Cayman.

The Capital Road Programme for 1988 has been identified and agreed with the Members of the Legislative Assembly in every district except George Town. As soon as this meeting is over, the Members for George Town will visit the area, together with the Chief Engineer and his officers, to work out their Road Programme for 1988.

The Master Ground Transportation Study: Mr. President, when the Study commenced, it was made clear that Government considered this a national issue and not a political one. Therefore, my Portfolio instructed the Chief Engineer of Public Works to consult openly with all Members of the Legislative Assembly and all the private sector groups, to get their input. The Consultants did a thorough and professional job, and took the advice given by the various groups. The draft final report was presented by the Consultants to the Executive Council and Legislative Assembly Members, the Central Planning Authority, and the following private sector groups: the Chamber of Commerce; the Cayman Islands Society of Surveyors and Engineers (CASE); the Bankers Association; the Hotel and Condominium Association; the Heavy Equipment and Vehicle Operators Association; and the West Bay Businessmen's Association. This was the fourth time that meetings were held with these organisations, at which they were given the opportunity to provide their input.

At the final meeting with Executive Council, the Chief Engineer reported that the Report had been well received and that there were no negative reactions to it. The Executive Council was satisfied with the Report, and recognised the professional job the consultants had done to meet the requirements set out in their terms of reference. However, it was not considered prudent to give approval in principle until Government had time to study and determine the financial implications, and to determine what the country can afford and absorb.

A decision was made to act on one of the Report's major recommendations - the amendment to legislation covering the acquisition of land and its reservation for future roads. The Legal Department has been asked to prepare amendments to the Roads Law and the Development and Planning Law, to cover the acquisition and reservation of land that will be required for the new road system. Government wishes to assure the people who will be affected that they will be kept fully informed and that they will receive proper compensation.

The immediate improvement for 1988 will include the provision of a new road at the rear of the High School and Middle School, relieving congestion and danger during school hours, and the improvement of four troublesome junctions, namely: Eastern Avenue/North Church Street; Eastern Avenue/Shedden Road; Dorset Drive/Airport Road; Mary Street/North Church Street; and which, when completed, should improve the circulation of traffic in George Town. These improvements are estimated to cost approximately \$800,000 and is subject to the approval of the Standing Finance Committee.

Cayman Brac and Little Cayman: There has been steady improvement in the economy of Cayman Brac and Little Cayman over the past six months, and the prospects for the year 1988 are very good. Work commenced on the new airport terminal building in December last year, and the taxiways and apron are well advanced. Site work for the Fire Station is complete, and work on the car park will start when the terminal building is in a more advanced stage. It is hoped that this project will be completed by the end of the year.

Tiara Beach Hotel's expansion programme continues, and we have seen a number of Brackers returning to fill the job demands. There is a shortage of construction workers, and it is hoped that many more Brackers will go back to fill these vacancies.

The duty concession granted by Government on 1st August, 1987 on all building materials and basic household appliances for an initial period of two years to foreign retirees, Caymanians returning to resettle on Cayman Brac or Little Cayman and condominium developers has created much interest and some activity. The Development Control Board has received several enquiries, and two projects which qualified for the concession have started. It is my opinion that we will see considerable economic activity in the construction industry this year.

Since Cayman Airways started their scheduled jet service to Cayman Brac, tourism has been making great strides in the Lesser Islands, and since then, additional hotel rooms and condominiums are being constructed to accommodate the increasing number of visitors. The excellent diving in the waters off Cayman Brac and Little Cayman is the main attraction, and with improved air communication, development will naturally follow.

There have been several real estate transactions over the past few months, and much interest has been shown and many enquiries made.

The projects for the 1988 Capital Road Programme have been identified, and a programme has already been laid out. Work will continue on the east to west Bluff Road until it meets the private road constructed at The Rock, which already has a ramp leading off the Bluff and a feeder road to the public road on the north coast of the Island. The original north-south Bluff Road was not constructed properly, and the road surface is sinking in many areas. The entire road will have to be redesigned and reconstructed on a firm foundation. It will then be resurfaced with hot mix. It is our intention to do half of this road this year, and the remainder will have to be done in 1989.

In keeping with our Road Programme for the Lesser Islands, an additional mile of road on the south coast of Cayman Brac will be constructed this year. This will leave approximately one mile of rough road which will be completed in 1989. The subdivision roads at Dennis Point, Cayman Brac, which were taken over by Government last year are to be reconstructed and sand sealed. It is hoped that this will encourage more homes to be built in this area, which in turn, will provide additional jobs for our people.

The Dental Clinic and Public Health Complex which was started last year will be completed and opened around the middle of the year. This new complex will upgrade and improve the health facilities on Cayman Brac.

Last year Cable and Wireless began to put their telephone cables underground, and the work provided by this project helped to relieve the unemployment situation considerably. When completed, the quality and efficiency of their telephone service will be much improved. New equipment is being installed that will make it possible for the first time for the people of Cayman Brac to have international direct dialing. This indeed is a big step forward, and it keeps Cayman Brac's infrastructure in telecommunications up to date. We are, indeed, indebted and grateful to Cable and Wireless, who have continued to keep the Islands abreast of the technological advances in telecommunications, and have provided us with a first class service.

Mr. President, it should come as no surprise to anyone that I will not be seeking reelection in the forthcoming General Election. The night I was reelected in 1984 I told my people that I had witnessed my last Election, and that I would not be standing in the General Election in 1988. This decision was not made in haste, but was arrived at after careful consideration.

When I was elected in 1976 the Lesser Islands had the basic necessities to service the local needs, but were lacking the infrastructure necessary to attract and support development. I was elected as a Member of the Legislative Assembly in a bye-election in February 1976, and was successful in three General Elections that were held in 1976, 1980 and 1984. I was able to accomplish little for my district between the bye-election and the General Election, as most of my time was spent familiarising myself with Government's procedure and campaigning for the November General Election. After the General Election I was elected to Executive Council, where I convinced my colleagues that no meaningful development could ever take place in the Lesser Islands until such times as we were able to build up the infrastructure to attract and support it.

During the 12 year period November 1976 to December 1988, Government will have spent nearly \$16 million on capital projects on Cayman Brac and Little Cayman. It would take me more than the four hours allowed by Standing Orders to go through the numerous projects on which this money was spent. But it is not my intention to exercise this right, and I will be as brief as possible.

However, Sir, I will highlight some of the major improvements to remind the people who have short memories of what has been done in Cayman Brac and Little Cayman, and where the money has been spent.

By the end of 1988, the following major projects undertaken by Government during my thirteen years as an elected representative will have been completed:

The Gerrard Smith Airport at Cayman Brac will have a new Terminal building, Control Tower and Fire Station, and will be completed by November this year. It will then comply with the standards set by the International Civil Aviation Organisation, and will be classified as a D-4 airport.

A new Port facility at The Creek, Cayman Brac, was constructed in 1981, and officially opened on 29th May, 1982;

Government constructed a small dock at Little Cayman which was completed in 1985;

A new Administration Building was started in 1980, and it was completed and officially opened in 1983;

A new Civic Centre was started in 1978 and opened on 6th June, 1979;

In 1981 a new medical Clinic was opened at Little Cayman;

Expansion to the Faith Hospital was completed in 1981 - a new operating theatre, scrub room, recovery room, kitchen and dining facilities were added;

The Public Works Department was relocated at Stake Bay Point. A new office building was constructed. A new machine and repair shop and a new store room have been constructed, and a large area was fenced off where all the road equipment and trucks are stored;

A new two-storey Teachers' Centre, canteen and several class rooms were added to the Cayman Brac High School. Also new classrooms were built in the various districts for the primary schools;

Three miles of rough dirt road going from the cross island road was built on the Bluff between 1983 and 1984. In 1985 the road was extended by another three miles, and we got to the Lighthouse, which is the eastern-most part of the Island;

In 1986 the Bluff Road was started in a westerly direction from the cross island road, and we expect to connect with a privately constructed road at The Rock by the end of June. Mr. President, 80 per cent of the land in Cayman Brac is situated on top of the Bluff and was previously inaccessible to traffic, which meant that this part of Cayman Brac could not be fully utilised. I am sure that we shall see development taking place there in the years to come.

All the major roads on the north coast of Cayman Brac have been paved with hot mix asphalt. The roads on the south side of Cayman Brac have also been widened and sand sealed, and there is approximately two miles left to be completed, of which we hope to complete one mile this year, leaving one mile for 1989;

The sections of the roads which are used most at Little Cayman have been realigned, reconstructed and sand sealed;

Access footpaths in the districts of Spot Bay and Watering Place have been widened and paved for vehicular traffic; There was no way for the people in either of these districts to get an ambulance to them or for a fire truck to get down to where they were living before we opened up these roads two years ago. Today the people of those districts are able to drive their cars, and if anything should happen, we are able to get the ambulance or the fire truck to them.

The dock at The Channel, Cayman Brac was lengthened and cleared of rocks, and the channel between the reef and the shore is also being cleared and deepened at the present moment;

Four small boat ramps are being constructed in districts throughout Cayman Brac, and a boat ramp has also been constructed at Little Cayman;

Playing fields at the various primary schools have been constructed, and a playing field adjacent to the Aston Rutty Civic Centre is now being constructed;

A new lighthouse was erected on the east end of Little Cayman in 1980;

A new garbage truck was purchased for Cayman Brac in 1978, and garbage collection was started for the first time that year;

A substantial sum of money was spent on buying new road equipment for Cayman Brac; a new ambulance, and a new fire engine in 1980; and

A new Dental Clinic at Cayman Brac will be completed in May this year.

I feel, Mr. President, that I have stood by the people of the Lesser Islands when they really needed help, and that over the past twelve years, much has been achieved. By the end of this year, Cayman Brac will have the necessary infrastructure in place to attract development, provide work for its people, and should eventually become more self-supporting.

I feel that I have accomplished the goals I set myself to do for my people, and now it is time for me to step down and allow someone else to step in and make their contribution by serving their country. There is still more to be done, there always will be. But I believe it is time for someone else to take the torch and carry it. Nobody should ever think that they are indispensable, nor can they do it all.

Mr. President, during the remaining nine months of my responsibility for the Portfolio, I shall do my utmost to maintain the policies and principles which were laid at the beginning of my administration. I would like to join you, Sir, and repeat the last paragraph of your speech: "I pray that Almighty God will continue to guide and bless the people of these islands, and all those who serve and aspire to serve them in their Government."

I thank you, Sir.

MR. PRESIDENT:

The floor is open. Does any Member wish to speak?

There is a Convention in the House of Commons that the Speaker attempts to balance debate by accepting the signal of a Member of the Government and a Member of the Opposition alternately. I do not know whether this House has such a tradition. What I am doing, of course, is trying to avoid calling the Mover to exercise his right of reply, because I am sure Members have not yet exhausted their efforts.

MR. W. McKEEVA BUSH:
this, Sir.

I am sure the Opposition would like to have their part in

MR. PRESIDENT:
reply soon.

I really shall have no alternative but to invite the Mover to

exercise your right of reply?

The Honourable First Official Member, would you wish to

HON. THOMAS C. JEFFERSON:
feet, Sir.

I notice the Second Elected Member for West Bay on his

MR. PRESIDENT:

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, it is one of those times that none of us can afford to sit down and let the debate close. I really did not intend to speak. But one thing is sure, I can give a good account of my stewardship, and even if I did not have the chance to cover the ground I wanted to cover in the Throne Speech, I could be here till tomorrow morning giving an account of my stewardship.

It gives me great pleasure to rise to debate the Speech from the Throne, this being my fourth contribution on, as it were, the state of the country. I thank Almighty God for all His blessings on these Islands in my four years as a representative of the people.

There have been great strides, and maybe not all of my aspirations and hopes have been fulfilled. Nevertheless, I believe I can face the public without, putting it simply, any shame face.

Please allow me, Sir, to record my thanks and appreciation to all those in the Civil Service who have contributed in their own way to the betterment of this country. As is usual, the Speech from the Throne gives us much scope, and I crave the indulgence of the House to again record my thanks by naming someone who has been in the Service for 27 years and who rarely, if at any time, gets any sort of praise - your Aide-de-Camp, Fredance Ebanks, who is a respected citizen of my constituency, the West Bay district. His tenure of service has taken him through the Police Force, three Administrators and five Governors, and the latter alone I guess, gives more reason than any to say that he must have had the patience of Job to stay for 27 years. He is a worthy citizen, a good citizen of West Bay, a good Caymanian, hence my reason for mentioning him today. I trust that he will be properly honoured on his retirement, whenever that comes.

I would also not fail in my duty to point out the need, as I have done before, for parliamentary reform - reform of our existing system of operation as a Government.

I have pointed out before the need for a new timetable for this Legislature and every year the need becomes more evident. I shall not waste the time today to go through my recommendations which are well known to the Government bench and also to this side of the House. However, I do pray and hope that someone will see the merit of what I have proposed in the past. I believe the country would be better served by a new parliamentary timetable.

I will not waste the time of the House, but I will give an example and that is, that there is not any legislation for this Meeting, but it would seem that the April Meeting is going to be a heavy one. I would venture to say that there is going to be legislation prepared before the April Meeting which this honourable House could tackle. But, because we meet every three months we will not come back here again until April when we could rightly come back and finish whatever legislation we have prepared. I will not say any more, but I trust that those who have the votes, or those who have the authority, will see the merit in what I am saying.

I have also in the past, urged for some change in the mechanism of Government. Constitutionally we (I am speaking of myself as well) on this side of the House, are responsible for the people; the people who elected us. We are seated here to do the people's business, but through constitutional organisation we are prohibited to take part or even to know what takes place in this country until, at most times, it is aired on Radio Cayman or in the daily newspaper. Therefore, most times we are not effective in our representation.

We are at a stage in our development, where it demands an examination of the effectiveness of our system. The country has always been cautious and wary of any talk concerning examinations, but I believe this is so because there are no set proposals to what extent and as to how far we could go.

Presently there is an unevenness in the distribution of Portfolios. One Honourable Member is responsible for Tourism, Aviation, Trade and Labour and I guess maybe a half dozen other subjects. I believe that because of our given development, Trade and Labour alone forms a big subject demanding much attention.

Another Honourable Member is responsible for Health, Education and Social Services. In my opinion, this is just too much for one human to take care of. This Portfolio and the country would be better served if it were divided.

I do not think that this present position is the most effective way of managing the affairs of the country given our present state of development, and I would wonder whether in fact, there is not retardation. It would be fair to the people if a new Government sought to explain present difficulties and make some sort of proposal as to plans to revamp existing conditions.

This country could be better served, Sir, - and I feel strongly about this - if there were included in the Portfolios the subject of "Science" for instance, instead of two subjects of "Development".

I will not say any more on this particular item, as I intend to move a motion later in the year for the establishment of a National Scientific Council for this country and would not now elaborate on it.

I believe that the subject of Sports, Youth, Culture and Community Affairs should now also be included in the Portfolios. If there is going to be proper development of these areas for the enhancement of youth, sports, culture and community affairs in this country, proper emphasis must be placed on those subjects. It cannot be done properly with the existing conditions. We attempted to do certain things and certain things were done, but there is the need for so much more.

Our people of today, have high expectations and the politicians or aspiring representatives today can only help them to attain great heights, or we can be the stumbling blocks. If we take the bull by the horns and do the necessary changes, I believe that posterity will rise up and call us blessed. However, if we refuse to be rational; if we refuse to be reasonable; if we refuse to be sensible; our children will be the worse off for it.

Mr. President, another development I have been asking for is the establishment of some sort of machinery to be set up in the districts where they can be better served and where we can better serve our public. Maybe, as some Members have already said, this country is too small for any meaningful system of local government. However, I believe that we can have some similar system, maybe not as fully instituted as the District Administration, which is now in operation for the Lesser Islands, but there is no reason why there should not be some arrangements in the Budget for an office for the representatives of the people in their constituencies. There is no reason why our people cannot pay licence fees in the district. There is no reason why our people cannot pay garbage fees, bicycle licences and all the other fees they are asked to pay, in the districts. This again, maybe if it cannot be instituted this year, hopefully, will be a task for the new Government in the new year, God's willing, but it needs to be done.

In a recent newspaper article there was the headline, "No change in UK policy on Dependencies". I am concerned, and was interested, to read the article. I will read, Mr. President, the first two paragraphs of the article.

MR. PRESIDENT:
newspaper, please?

Could you, for the record, quote the date of the

MR. W. McKEEVA BUSH:
And I quote:

Friday, 18th December, 1987.

"No Change in United Kingdom Policy on Dependencies

"As a result of the review, we are, however, implementing a number of administrative measures to improve the effectiveness with which we discharge our obligations to ensure good administration and economic and social development of the Dependent Territories. The reasonable needs of the Dependent Territories will continue as before to be a first charge on UK Aid funds.

We are already undertaking a programme to improve the defences of the Caribbean Dependent Territories against the threat posed by drug trafficking as a part of a wider determination and cooperation with the Government of the United States and regional governments, to counter the drug threat in the region as a whole."

Mr. President, I do not know, but I wonder what are the measures contemplated, and I am wondering whether we could know of the programme?

Drugs are a worldwide threat. It is the Waterloo of much larger countries, much less a small territory like the Cayman Islands. Our small country does not have the resources with which to combat the evil of drugs which seems to prevail. The importation of drugs in this country, and the use of our territorial waters for transshipment by the drug merchants is undermining all the good things that we can say of this country.

In September of 1986, while I was in London at a Parliamentary Conference, I had the opportunity, or I took the opportunity, to speak to Baroness Young, I think she was the Under-Secretary of State for the Colonies at that time, concerning some sort of aid for this country. That might not have found favour with some of the other politicians, or representatives, but I did what I felt was best for this country. I told her of our situation, and I believe she already knew of it. But what I requested was aid in the form of a helicopter which could be used for search and rescue, but also could be used to detect more quickly the traffic which it seems, constantly evades our present machinery. I asked for a helicopter or some other form of gunship.

Of course, Mr. President, nothing was done. We are too affluent, that is what I kept hearing, the Cayman Islands is an affluent country, they can take care of themselves.

MR. PRESIDENT:

Would it be convenient to break there?

MR. W. McKEEVA BUSH:
minutes more.

I was just closing on that, Mr. President, two to three

Government, and I quote again:

It is heartening to hear from the United Kingdom

"We reaffirm our commitment to the Dependent Territories, and our determination to discharge our obligations in full."

I trust, Mr. President, that this means that they will help us, maybe not in the form that I asked for, but in some other meaningful manner, so that we, as a Dependent Territory, can see some results as far as British aid is concerned.

MR. PRESIDENT: Proceedings are suspended for fifteen minutes.

AT 3:19 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:39 P.M.

MR. PRESIDENT: Proceedings are resumed. The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, the Speech from the Throne brings with it optimism and caution. With it also comes an account of this Government's stewardship over the past three years, and plans for this year which conclude the term of this Government.

The Speech is a whole lot different from previous speeches from the Throne. In former years there were always a great hoo-ha about plans. There is contained in this Speech, accomplishments, and the carrying on of plans and policies already put in place.

I note, Mr. President, your opening remarks on pages 1 and 2, when you say that our Islands have been fortunate. It is true. We have so much that we can thank Almighty God for. There have been no natural disasters, no earthquakes, no hurricanes, no outbreaks of uncontrollable diseases and we have been prosperous.

There are so many people who are willing to be the eternal doubter, who will always criticise and find fault and can never give an ounce of credit when credit is due. They can always see the bad, they never see the good. Opponents, to me, will always be opponents, at least, those who are claiming to be opponents today. And, no matter what McKeeva, Tom Jefferson or Linford Pierson do, you will never hear them say that such and such a thing is a good thing for the country. They will always remain as doubters and opponents simply because they themselves cannot dictate to us.

On page 2 of the Speech, I quote:

"...recent changes in Cayman have been quite dramatic, and we must be alert to the potential effects of these changes on our society."

Before that you had talked about the responsibilities of the community and its individual members. Any government needs the goodwill of its people, the public, churches, other organisations, commerce, that is, businesses. No government can survive unless its public is in tune with it. That is why, when we come to organisations purporting to be the Chamber of Commerce, such as we have, they are like a fly on the elephant's backside.

Mr. President, I could have been more harsh. We, the Members who make up the majority and form the Government, are survivors. That is what I am trying to get across. We do not need the Chamber of Commerce and its wicked and nearsighted policies. We are survivors because we are honest. By and large, internationally, people have smiled upon the Government. If you had listened to some of the people who make up what is supposed to be the Chamber of Commerce, this country would have faded into oblivion. Their comments were, we were going to sink, we were communists and Castro was going to take over. These were the sort of things that were told to us in 1984 and up until a few weeks ago. But, we have proved them wrong. The country has never been more prosperous than what it is today.

We have a good Financial Secretary who, I believe, people have put great confidence in. And likewise, even though I can point out some faults of theirs, by and large, they have steered this country on a course that has not put us on the rocks. I am talking about the Executive Council. I am giving credit where credit is due.

The group which purports to be a Chamber of Commerce can only write on propaganda sheets - talk and writings which have no bearing to the truth. Therefore I dispel them as anything worthy of further mention. I would only invite them to join in to make the Cayman Islands a place where all the people can share in this prosperity.

Towards the end of last year we saw the appointment of a new Chief Justice. For the record, I would hope that he will have a successful term, and that his judgements will benefit this country, that his judgements will be fair, and that his judgements will bring justice for all.

I will move to the next subject, which deals with the Police Force. Every time I rise to speak on this subject, I am either called to order or told to sit down. However, I am not going to say too much on this subject today; my thoughts are well known from 1979. We must have a Police Force that, at all times, is above suspicion. We must have a Force that at all times the public, whom it serves, can hold up its head and say we believe that the Force is doing its best. Regardless of what any Member in this House might say, or any other authority might say, if there is constant suspicion there will be a loss of morale in the Force. That is inevitable because with suspicion comes accusations, and somebody is going to be very vocal.

I have done my part during the time I have been in this House to rectify situations that I have known. I have done my best to do things which I thought could straighten out matters affecting the Force. So I have no tears to shed when it comes to my stewardship and that aspect of this country.

The Force has improved and there have been some improvements. There is no doubt about it. But, when you consider that prior to 1984 there were 13 unsolved murders in this country, and today, practically if not all of the cases, which unfortunately happened during the tenure of this Government, have been brought to Court, either awaiting trial or have been sentenced, whatever happens after that, I believe I am right in saying constitutionally, no fault could be laid on this Government.

There is still some tightening up that could be done in the Force, there is still slackness and one has to wonder whether in fact we do not have a Force that is too large. Maybe there needs to be a look at its organisation. It would seem that in a community of 26,000 people that 200 or more policemen plus a body who helps them, would seem to be a little too much. But I am not an expert there, and I will not say that we have too many policemen. But I would ask whether there is in fact, the right organisation and management. I will say no more on that subject.

The Prison Service of this country has taken over \$1M from the Treasury. You know, Sir, there has to be something radically wrong with society when a small population as we have, has to have in force the kind of Prison Services that we have today. There is a lot of blame laid on development, and its pressures; there is a lot of blame laid on the young people, but the populace at large must sit back and question itself, especially when they point a finger at the youth of this country. If business people continue to be crooked, if business people continue to do illegal things, if they continue to set bad examples - and this may not only be applied to business people, but it can also be applied to the general public - what else can we expect from our young people? That is a serious question that every one of us have to ask - are there being proper examples set in this country or is there the care only for the making of money, not paying attention to how the money is made? There comes a time when we must take stock.

Blame is also put on family and parents. What else can society expect, when they themselves demand so much from parents and from families, when so much pressure is put to satisfy business ends that people have to hold two and three jobs? It is sad when we have come to that, but such is the state of this country today. It needs serious stock taking as to where we are headed.

\$1M is being spent on a Prison, and yet the community refuses to put policies and programmes in place for retirement for the country. I hope and pray, Sir, that what I am saying will not be taken in a poor light, but that they will see the wisdom in my questions and the pertinence of its relation to our current state of affairs.

Immigration: We hear quite often that Cayman can take more people, we can have a larger population. That is not an idea that I ascribe to. When we were smaller, we had less problems. But they say this, not realising how we can get more people or, maybe there is an ulterior motive in them saying that. One way that the 'Cayman Islands' population has grown is the influx of labour, people who come here to work and stay then they attain Caymanian status and they make Cayman their home.

Because of such a high rate of development as we are experiencing, there is much cry for work permits. We quite often heard that some people were getting permits and others could not get a single helper to do house chores. The Government had to seriously look at the direction the country was headed, and certain Directives were given. I believe, Sir, that if Caymanians are scared that they are going to be overrun, then there has to be a roll-over policy.

Now the public will have to make up its mind that they do not want to be overrun, or we can leave the number of permits on the books - and I would venture to say that the number is quite frightening. Someone could argue that it is necessary but in a small country, it is frightening. They have to make up their minds that those same people that have been here for years could fall into a category either to be elected or to be an elector. It is for that one reason, Mr. President, that I will agree with certain parts of the Directives as given by Government.

Firstly, if they want the economy to continue, and the thrust with which it has taken off, we are going to need more people, there are no two ways about it. If they want to continue the policy started to curb what could be a danger, then in my opinion, they are going to have to accept that there will be a slowing down. As to whether that is a policy that has been arrived at yet, I do not know but the economy cannot continue in the way it is going and we have to curtail help.

I can give one example where people quite rightly, on the one hand, can complain about there being not enough permits. In the district of West Bay, you could say that we have several body shops and garages, and I will use those as an example. If the business is there, and certainly it is, a poor man that has a body shop or a little garage, and cannot get the help he needs, will be forced to close down his business. You will find that any good body man, or any good mechanic already has his own business. My fear is, that sooner or later, someone is going to come in who has good financial backing, start the same type of operation, probably because of his good financial backing, much superior management is found, and the poor local person is forced out of business. Caymanians, as a whole, have to determine whether they want a continuance of full speed ahead or a course of moderate growth that we, the Caymanian people, can handle.

There is much that could be said on Immigration, Mr. President, and I am tempted, but since there is other business on the Order Paper for this Meeting, I will not do so. I would only close by saying that the Immigration Department do contribute quite a bit to the Government. There are many devoted, honest Immigration Officers, people who have to work all hours of the day, all hours of the night sometimes, and who deserve to be commended.

Radio Cayman is doing a good job. I do not know how much more we can say about Radio Cayman. I note the call by my friend, the Elected Member for North Side. I will have to give a lot of thought to his suggestion. It is said, if a thing is running good, do not try to fix it. And, except for complaints of bad pronunciation from certain sectors of the public who do not know a "Caymanian" or a "Comanian", generally, talk is good concerning Radio Cayman. All power to them. I quite remember that Radio Cayman was supposed to be a station that you would not have heard in the North Sound. Today it has fooled the doubters. It is a very viable and worthy operation.

Quite often we neglect to pay proper tribute to those hardworking Civil Servants who keep the country running. If you search the Caribbean, and indeed the hemisphere as a whole, I do not think we could find a more dedicated and honest Service than we have. Some time ago, I pointed out that those in the private sector who complain about the Civil Service and its operation should first examine their own policies and their own attitudes in regards to service to the general public as a whole. Well, one caller told me I did not know what I was talking about. I have not said that there is not room for tightening up. There will always be that. What I am saying is that taking our situation as a whole, we must be thankful, because we could be a lot worse off. We could have complete breakdowns, we could have shutdowns and we could have sit-ins. We do not have those kind of things here. Even though there are the grumblers, basically everybody is still happy.

I know that there are problems there, because as a representative, I am confronted with them. But, let us give credit where credit is due there are some posts in the Service where I would like to see Caymanians in direct control. But every day we are moving in that direction. Rome was not built in a day, and even I, who ask for so much, and sometimes complain about so much, realise that. Anybody with any common sense has to realise it. And, if you do not have common sense, we will show him some little thing. I saw a smile from two Official Members, and I hope it was not what I was thinking about.

There are some high ranking officers who are retiring. The Principal Secretary in the Portfolio of Communication and Works, I believe I spoke concerning his retirement in the Budget Debate. I believe that our Chief Accountant, Mr. Moncrieffe, a longtime Government employee who is a man that I respect, has helped the Government in its forward march in development. I would hope also that further down the year that I will hear his name mentioned on the Honours List. Our Collector of Customs is also about to retire, and she herself has had a colourful career in Government. I believe she can also look back and say "I have done my best, I have done what I could".

It is notable, Mr. President, to see that they have, amongst themselves, weathered over 68 years of service to this country. This is nothing to sneer at, this is not something that we should just turn the page over, and gloss over it. I have great respect for those Caymanians who have toiled over the years with blood, sweat and tears in our march of development. They have weathered many storms, they have seen the recessions, they have seen the bad and they have seen the good and this country owes them a debt of gratitude. I wish for them, Sir, from myself and my family, many happy years of retirement.

Mr. President, the Currency Board is well managed. I believe that the Cayman Islands currency is going to remain strong for a long, long time. In looking through this Speech, I am reminded of several things as I come to each item. One bit of propaganda in 1984 was that the Cayman Islands currency would be worth 50 cents. I even heard that we were going to remove the Queen's picture and put Mr. Benson's picture on instead. Again, all the propaganda and all the doubts have been dispelled by good, sound management. I would not have agreed for Mr. Benson's picture anyway.

We are told that Companies Registration continue to grow. Last year there were 18 per cent more new companies registered than in 1986, and before the year is out, we will be asking for a total comparison from 1985 until 1988 of the increase as against other years. I believe that it will compare favourably, if not much better.

Cayman is a unique place. We in this House and the general public at large must never forget that. Development in recent times in this region, I believe, is going to put

us in a better position than what we are now in. Financial centres and our competitors in this region are having a lot of trouble, I had some clippings, but I was not expecting to rise today, and did not bring them along. I think everyone has heard of recent problems in the area, and we must continue to count our blessings that this country, with all the little problems that we have, is still in the position that we are. We must be thankful that we do not have the problems as faced by many of our competitors in the region.

MR. PRESIDENT: Could I ask how long do you think you need?

MR. W. McKEEVA BUSH: I could close on that note, Mr. President, I will come back to it.

MR. PRESIDENT: You would like to resume tomorrow? I beg your pardon, on Thursday?

MR. W. McKEEVA BUSH: Whenever the debate resumes, I can resume on that particular item. But I think it is time now to adjourn.

MR. PRESIDENT: Very well, thank you.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of this Honourable House until 10:00 o'clock on Thursday morning.

MR. PRESIDENT: I will now put the question.

QUESTION PUT: AGREED. AT 4:32 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. THURSDAY, 18TH FEBRUARY, 1988.

**STATE OPENING AND FIRST MEETING
OF THE 1988 SESSION OF THE
CAYMAN ISLANDS LEGISLATIVE ASSEMBLY**

**THURSDAY, 18TH FEBRUARY, 1988
(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, OBE	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

ABSENT

MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END
------------------	---

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

**STATE OPENING AND FIRST MEETING OF THE
1988 SESSION OF THE LEGISLATIVE ASSEMBLY**

**THURSDAY, 18TH FEBRUARY, 1988
(THIRD DAY)**

1. PRAYERS

To be read by the Honourable Fourth Elected Member of Executive Council.

2. PRESENTATION OF PAPERS AND REPORTS

THE CAYMAN ISLANDS ECONOMIC DEVELOPMENT PLAN 1988 - 1992

To be laid on the Table by the Honourable First Official Member.

3. STATEMENTS BY MEMBERS OF THE GOVERNMENT

(1) **STATEMENT BY THE HONOURABLE FIRST ELECTED MEMBER OF
EXECUTIVE COUNCIL ON THE NATIONAL ADVISORY COUNCIL ON
THE MISUSE OF DRUGS.**

(2) **STATEMENT BY THE HONOURABLE FIRST ELECTED MEMBER OF
EXECUTIVE COUNCIL ON THE CAYMAN ISLANDS SOCIAL SECURITY
SCHEME.**

4. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:

**PRIVATE MEMBER'S MOTION NO. 1/88
MARRIAGES OF CONVENIENCE**

To be moved by the Second Elected Member for West Bay.

To be seconded by the Elected Member for North Side.

5. GOVERNMENT BUSINESS

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH.

6. ADJOURNMENT

To be moved by the Honourable First Official Member, Leader of Government Business.

TABLE OF CONTENTS

	PAGE
PRAYERS	1
PRESENTATION OF PAPERS AND REPORTS	
The Cayman Islands Economic Development Plan - 1988 to 1992	1
STATEMENTS BY MEMBERS OF THE GOVERNMENT:	
(1) Fees Charged on Legislative Assembly Papers	1
(2) The National Advisory Council on the Misuse of Drugs	1 - 2
(3) The Cayman Islands National Social Security Scheme	2
OTHER BUSINESS:	
PRIVATE MEMBERS' MOTIONS:	
Private Member's Motion No. 1/88 - Marriages of Convenience	
Mr. W. McKeeva Bush	3 - 4
Hon J. Lemuel Hurlston	4 - 6
Mr. D. Ezzard Miller	6
Mr. W. McKeeva Bush - Reply	6
GOVERNMENT BUSINESS	
CONTINUATION OF DEBATE ON THE THRONE SPEECH	
Mr. W. McKeeva Bush	7 - 11
Capt. Mabry S. Kirkconnell	11 - 16
Mrs. Daphne L. Orrett	17 - 19
ADJOURNMENT	19

THURSDAY

18TH FEBRUARY, 1988

10:05 A.M.

MR. PRESIDENT:
Executive Council.

Prayers. The Honourable the Fourth Elected Member of

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:
Honourable First Official Member.

Proceedings of the House are resumed. Papers. The

PRESENTATION OF PAPERS AND REPORTS

THE ECONOMIC DEVELOPMENT PLAN FOR 1988 - 1992

HON. THOMAS C. JEFFERSON:

Mr. President, I beg to lay on the Table of this honourable House the Economic Development Plan for 1988 to 1992 and in so doing, to use a similar procedure as we did when tabling the original document. That is, that the Plan be referred to Finance Committee for it to be studied by that Committee, and then brought back at the next Meeting of this honourable House, where we will move the motion for its adoption and debate can ensue if the Honourable Members so desire.

MR. PRESIDENT:

The Paper referred to is ordered to be tabled.

The third item of today's Order Paper: There is an additional Statement by the Honourable the First Official Member.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

FEES CHARGED FOR PAPERS OF THE LEGISLATIVE DEPARTMENT

HON. THOMAS C. JEFFERSON:
Legislative Department's papers.

Mr. President, my Statement is in respect of fees charged on the

Some weeks ago a Government press release gave notice of nominal charges which would be introduced on a variety of papers produced by the Legislative Assembly. While the introduction of fees for green copies of Bills, Motions and Questions may have seemed strange when compared with the declared objective of open Government I saw nothing wrong, in principle, with charging a couple of cents to cover the cost of paper, time and machinery. Any Financial Secretary, including myself, knows well that if you watch the pennies, many dollars will be saved.

Government's intentions remain that copies of all these papers: Bills, Motions and Hansards, will continue to be available in all libraries, including those at the schools, as well as in Government Departments. Bills, in fact, for many years, when gazetted, have been priced, but the fees have not been collected and I do not propose to attempt retrospective collection of any of these fees.

However, in light of the points made in this Chamber, and also privately by Honourable Members, I have again reviewed the situation in regard to fees, and decided that it would be appropriate not to make a charge for papers which are coming forward for the business of the House - that is, green Bills, Motions, Questions and the daily Order Paper of the House. These will be available without charge for collection by interested persons from the Legislative Assembly's Offices.

In addition, I think it would be reasonable to permit declared candidates for election to examine Assembly papers at the Legislative Assembly' Office, and, within reason, to be provided with copies of such documents without charge.

MR. PRESIDENT:
Member of Executive Council.

Government Statements, the Honourable the First Elected

ESTABLISHMENT OF A NATIONAL DRUGS ADVISORY COUNCIL

HON. BENSON O. EBANKS:
provisions of Standing Order 31.

Mr. President, the following statement is made under the

As Honourable Members are aware, the misuse of drugs, including alcohol, has been and continues to be a matter of grave concern to Government and well-thinking

members of this community. Indeed, during the recent past, many useful but sporadic efforts have been made to combat this demeaning and debilitating scourge on our society. Some six months ago Government's Drug and Alcohol Abuse Programme Coordinator and Counsellor took up his appointment. He is already doing a valuable job, and by his findings is helping to point the way forward in this battle.

At approximately the same time, a group of concerned citizens and organisations formed themselves into a working party at the initial invitation of Cayman Against Substance Abuse (CASA). This working party has already demonstrated not only concern, but a willingness to work and employ resources in an effort to relieve the sufferings of those affected by drug and alcohol abuse as well as preventing others from becoming victims to such abuse.

Government has determined, and it has been endorsed by the private sector, that the best way to harness these concerns, resources, goodwill and energy in the battle against this national enemy is to establish a National Advisory Council on the misuse of drugs by an amendment to the Misuse of Drugs Law, such amendment to be presented at the April's Meeting of this Honourable House. The Council will be constituted by a membership representing a wide cross section of persons and organisations including Government agencies, service clubs, sports organisations and churches, which appear likely to be able to contribute significantly to the development and implementation of programmes.

The Council will be given a broad mandate to advise the Government along the following lines:

- (a) to develop an overall strategic plan for dealing with the problems of misuse of drugs and alcohol, having regard to the major social, economic, political and legal variables having a significant impact;
- (b) to advise on the propriety and effectiveness of current rehabilitation and preventive efforts;
- (c) to ensure that action is taken to maintain relevant existing programmes and develop new ones in keeping with the strategic plan;
- (d) to encourage coordination of programme planning and execution, so as to prevent duplication and waste, and enhance public acceptability and support for the programmes; and
- (e) to ensure that appropriate assessment and evaluation systems are included in each programme, so that impact and outcome can be measured.

It should be stated quite emphatically that Government has no wish to control the activities of private groups who are involved in this effort. To the contrary, it is their energy and their community presence which are needed to make the work of the Council a success. To this end, it is envisioned there will remain ample scope for independent activities with plans for such hopefully being discussed and coordinated at the Council level.

The Council itself is not our only answer - rather a further means of arriving at solutions to deal with this many-faceted problem. It is generally accepted that positive and contributing factors to drug abuse are different in, and peculiar to, each society. Therefore the importance of research into the Caymanian problem cannot be over-emphasised. It is believed that with the concern shown by the society at large and by this Government, our combined efforts will result in this evil being eradicated from our midst.

MR. PRESIDENT:
Executive Council.

Statements. The Honourable the First Elected Member of

NATIONAL SECURITY SCHEME

HON. BENSON. O. EBANKS: Mr. President, this statement is made under the provisions of Standing Order 31 and in accordance with the terms of Private Member's Motion No. 14/85.

Much work, including broad consultation with employees and employers has been put into the planning of a Social Security Scheme for the Cayman Islands. As a result of these consultations, several changes are contemplated to the Scheme as outlined in the information booklet originally circulated.

Whilst the need for a Social Security Scheme for the Islands has been overwhelmingly accepted by the populace, most of those persons and organisations who already have in place a retirement scheme have expressed the view that they should be allowed to opt out of the National Scheme. Government is sympathetic to this desire but in the interests of all, must ensure that anyone allowed to opt out of the proposed National Scheme is fully covered in reality and not just as a figment of the imagination.

For example, some schemes operating in the private sector do not permit employees to join the scheme until they reach the age of 25 years and then postpone vesting of rights for as long as another 15 or 20 years. Still others defer vesting of rights for 10 or 15 years. Simply put, this means that the employee does not accrue any pension benefits until he reaches 35 or 45 years and since no portability exists in most of the schemes, he accumulates no pension benefits if he moves to another employer, either to seek better pay or to escape untenable employment conditions.

It is therefore possible in these Islands for an employee who changes jobs two or three times in a lifetime, to find himself at the end of the day without any pension benefits, even though he has worked for organisations that claim to carry such benefits. Such a situation would be clearly unacceptable. To avoid this happening, Government has therefore decided that any National Social Security Scheme for the Cayman Islands will permit opting out for those employees who are covered by a scheme of pension offering equal or better terms - but including portability from one pension plan to another.

The portability provision of pension schemes is relatively new and complicated. For example, it has existed in the United Kingdom for only a few years, and to the best of my knowledge, is only now being proposed for the Canadian National Scheme. Obviously therefore, this question of portability will need exhaustive and careful study by those companies and their employees who now have pension schemes, but without early vesting or portability. It will also require certain refinements by Government to its Scheme. A decision has therefore been made that no further action to implement the proposed National Social Security Scheme will be taken until all concerned have had an opportunity to study and take advice on the implications of the question of portability.

I wish to give this Honourable Assembly and the general populace the assurance that the widest possible consultation will continue on this most important issue until a resolution satisfactory to the majority, is arrived at.

Thank you, Sir.

MR. PRESIDENT:

Item 4. Other Business. Private Member's Motions.

OTHER BUSINESS

PRIVATE MEMBER'S MOTIONS

PRIVATE MEMBER'S MOTION NO. 1/88 MARRIAGES OF CONVENIENCE

MR. W. McKEEVA BUSH:
tabled in my name which reads as follows:

Mr. President, I beg to move Private Member's Motion No. 1/88,

"WHEREAS foreign persons appear to be using the Marriage Law to circumvent the Caymanian Protection Law, 1984 in order to obtain work permits;

AND WHEREAS this practice is causing social stress and concern;

BE IT THEREFORE RESOLVED THAT Government find ways and means of taking action against persons who abuse the provisions of section 27(1) and section 71(3) of the Caymanian Protection Law, 1984."

MR. D. EZZARD MILLER:

Mr. President, I beg to second the Motion.

MR. PRESIDENT:
seconded. Does the Mover wish to speak to it?

Private Member's Motion No. 1/88 has been duly moved and

MR. W. McKEEVA BUSH:

Mr. President, this Motion should have been tabled years ago, and it is not with good feeling that I have to bring it today. But, Sir, it is my duty when finding situations that do nothing but cause problems in our community to try to get them rectified. This situation of marriages of convenience have been a sore point in this country for years and we must find a way to stop it.

As a Marriage Officer myself, I have been very vigilant. When persons call to make arrangement for the joining together, I certainly check out every aspect and when I feel dubious about a couple I refuse to perform the ceremony and will go to the extent to call other Marriage Officers to tell them my fears or findings.

Just this past week, to cite an example, I was called to perform a wedding ceremony. When I learned of the round-about-way in which one of the persons went to call me I was immediately suspicious and I immediately contacted the Immigration Department. Sure enough, the person's work permit had not been renewed. The person contacted a Member of this House who told him to get in contact with me. I believe there may have been some sort of a set-up but they did not know who they were dealing with. I have not heard from that person since but I called around again.

Marriage vows are to be taken seriously and besides the social stress this situation is causing it is an abomination to use marriage otherwise than for what God intended it to be. If a foreign person had been working in these Islands and they had to leave, that is no more than what happens in any other country.

Caymanians had to leave home years ago to find a living elsewhere, but in many instances they had to take a break to come home and were glad of it.

Now it may be because the most prevalent cases exist with people in countries where the economy is broken and so it seems that the attitude of certain people who come here for gainful occupation is that they will stay at any cost. Well, those marriages that are being used as a means for them to stay must stop; and it is a pity that whatever we can come up with as a solution cannot be retroactive.

As a representative and a representative who know what is happening in my constituency and in other constituencies, I can pinpoint several cases where certain of our innocent men - you would say, probably of shallow intelligence - have been hitched to a woman for one night and after that he does not see her again. In some cases, I understand that there was money involved and the poor brute did not even collect that money - he did not see his wife and he did not collect the money. A month afterwards he came to me and complained. He did not even sleep with her so he wants to get a divorce.

Now when these people want a dissolution it is not easy to get one, especially those whom I mentioned. They do not have the financial wherewithal to get a lawyer and the legal aid system is a long drawn-out process. I personally feel that when it is evident, no matter what any newspaper in this country might say, that a marriage only lasts a night or even a couple of weeks or months, there should be no delay in getting it dissolved - no delay whatsoever!

If this Government, or any government cares about its people it must act in these sorts of situations. No matter whether this Motion came just after Valentine's Day - maybe All Fool's Day would have been a more appropriate day.

Mr. President, the Resolve section in this Motion is asking Government to find ways and means to take action. The two sections of the Caymanian Protection Law, 1984, referred to in the Resolve section, only gives the Governor in Council the power to make Directives to the Board. The Directives issued to the Caymanian Protection Board in February of 1985 states, in section 4, that "persons married to Caymanians or persons who are descended from Caymanians shall be given preferential treatment in obtaining gainful occupation licences. The Board shall consider whether or not an applicant is separated or living apart from the Caymanian spouse". This is where the problem comes in. It also states that "this Directive shall not apply if there is reason to believe that settlement in this country is the main motive to the marriage".

I believe, that the main problem, as far as the Board is concerned, is having proof that the person only got married because he or she wanted a permit and this editorial of the Caymanian Compass is probably right in that aspect. Who can say what two people think when they say "I do". That is true, but, Mr. President, we are no fools. If a woman got married, for instance, to you tonight, Mr. President, and she was told

MR. PRESIDENT:
(LAUGHTER)

I think I should point out that I am already married.

MR. W. McKEEVA BUSH (Continuing):

Well, I am just using you as an example, Sir, I did not want to say any other Member. They might take great affront to it. But if you got married tonight to a woman; you did not sleep with her and did not see her tomorrow morning, what does that tell us? What does that tell us?

I will disregard this editorial. The Compass is my good friend, but I will disregard it because I am faced with the problem as a representative and the country is worse off for these marriages of convenience.

I will only reply to the third paragraph before the last. It says

that, "a marriage that is obviously unsuccessful soon after the wedding may still have been entered with the best intentions". I have no quarrel with that, but they go on to say that, "to annul such marriages merely on the basis of an affidavit from one party sounds reminiscent of the exotic practise where dissolution can be achieved by saying, "I divorced you three times". I think that is making a mockery of the whole situation because for example, if this is what they are going to get at, non-consummation of a marriage is already in the Matrimonial Causes Law. But this is to be dealt with only by the Courts and this is our big problem - getting our cases to Court. Getting someone who knows something about the marriage to go to Court is even a bigger problem. In discussing this matter with the Honourable Member in charge of Immigration, the idea came up of an affidavit where someone could swear an affidavit saying that they knew there was a marriage and that they know that the two people are not living together, or whatever information they can give.

Mr. President, let me say point blank in this House say, the straw that broke the camel's back for me, was a case just about two weeks ago in my constituency where a good friend of mine - a woman whom I have known for a long time; a foreigner who was a maid in this country; had left that position and was working in an hotel; her time had come up and she had to leave. She came to me and I advised her that the best thing that she could do was, since she had been here all these many years, to take a break and go home. I told her that she had been well behaved and that I believed that she would not have a problem, after a certain period, to get a job or a permit here.

Well, she did that, but she only went away for about one or two months. She came back, I have seen her around the place, and she said that she was going to get a permit. I told her that I was happy for her. She did not mention anything to me concerning marriage. But, in January of this year the person whom she married - who by the way, Mr. President, is a person who cannot speak properly - came to me and said that he wanted to move his father out of the house. The two of them had been living together for years - longer than maybe 25 years. I had a talk with him as best as I could and showed him the way - what should and should not be done. But, I was surprised just after that, to find out that he had married the same girl in question in November. The permit that she talked about that she was going to get was because she had gotten married to this young man in my district.

Mr. President, if that is not a marriage of convenience - then what else - and tell me what should be done about it? Maybe the Compass should have tried to come up with some ideas as to how to tackle this problem because I have been sent crazy by people who come to me concerning this thing, and I could not find a solution. Therefore, I have brought it to this House to let the Government deal with it, and deal with it now.

So, an affidavit, Mr. President, might be used by the Caymanian Protection Board to stop the granting of the permit. It is not the question of status now because that provision no longer applies. It is the question of getting the work permit, and getting it at any cost.

I am also very concerned of the state of the marriage. That aspect of the problem needs to be dealt with expeditiously.

Mr. President, I am sure that all Members are familiar with the situation that I am dealing with and that I am trying to rectify. I am therefore asking them to let this Motion succeed.

Our Immigration problem, because we are a prosperous country today, if not taken into serious, serious thought - not only by the Government, but the entire population, this country is going to go down the drain because there are too many dubious characters coming into this country and not for good reasons. It worries me. It worries me that people can come here with \$50 in their pockets with no one to greet them at the Airport and to continue to stay here and cause problems.

We see what is happening in countries, for instance, like the United States; much less a small country like the Cayman Islands. And when I say problems, I mean problems that exist because of present day immigration. So let no one come up with the foolishness and talk about the country being populated by the Europeans and everyone from Timbuku. That has no sway over the matter today. We are faced with a problem and I do not care where they come from - Timbuku, Jamaica, Honduras or the United States - if they are causing problems in this country we must do something about it because we have to live here.

MR. PRESIDENT:
Third Official Member of Executive Council.

Does any other Member wish to speak? The Honourable the

HON. J. LEMUEL HURLSTON:

Mr. President, I am happy for the opportunity that this Motion has afforded for some public discussion and ventilation on what is a fairly significant issue.

As the Officer responsible to you both for Immigration matters as well as Ecclesiastical and marriage matters, it falls my responsibility to speak on the subject.

We know and read extensively of countries larger than ourselves who have enormous problems of this nature. Extensive research and legislation has been put in place in many of these countries, with the design and objective of responding to the problem and proposing a variety of possible solutions.

In the United Kingdom, for example, there are extensive provisions in the Immigration Act which use phrases such as "a person engaging or attempting to enter the country" for what is known as a "primary purpose", and if a marriage is contemplated, the primary purpose of which is to facilitate immigration, as subjective as it may appear, that primary purpose can sometimes be used as a basis for making certain immigration decisions.

We know, too, Sir that there are all sorts of economic and social factors that contribute and motivate people into conducting themselves in a manner less appropriate and in a manner that is somewhat upsetting but such is the world that we live in. The Mover of the Motion has already recited for us the provisions contained in Government Directive and he quoted Directive No. 4. This clearly establishes the fundamental principle under which the Caymanian Protection Board will administer and extend certain levels of preferential treatment. There is also another Directive that I would like to quote for the benefit of the record, and that is Directive No. 14, which reads that:

"The Secretary shall, at least once every month, obtain from the Courts a list of all convictions, divorces, civil cases and judgements and relevant particulars relating thereto, and monthly reports from the Police and the Registrar of Births in order to ascertain whether or not any person should be allowed to remain in the Islands."

Another directive, Mr. President, that may be relevant, is Directive No. 22 which reads:

"In the case of applications from persons with close family connections with the Islands, the Board should be inclined to grant such applications, subject to the following considerations:

- (1) they should be satisfied:
 - (a) in the case of a spouse, that the marriage is genuine, and not entered into for the purpose of settlement in the Islands. In determining this, they may have regard to the length of the marriage, and to other relevant factors."

It can therefore be seen that the Government has been

conscious of the possible abuse and misuse of the provisions of the Caymanian Protection Law, and have put in place certain Directives to the Caymanian Protection Board, and indeed the Immigration staff are doing their best to see that these matters are carried out in accordance with the letter and spirit of the legislation and the Directives.

It seems that the problem is being described, not only in terms of being an Immigration problem, but somewhat connected to this is the legal aid situation that currently exists and the difficulties that persons may be experiencing in getting legal advice and legal action. It is possible that our Legal Aid Scheme is in need of review and updating, but it must also be remembered that many of the persons who would seek the facilities of legal aid in such circumstances, may not themselves qualify for legal aid because they may possess assets. As long as a person is in possession of assets, they would have to satisfy the Courts that those assets are converted to cash and that legal assistance is thereby available.

It is possible, too, to draw some sort of distinction between a marriage of convenience where both parties to the marriage are knowingly engaging in the convenience and deception, and then there is the other possibility of a marriage of convenience where one of the parties is attempting to blind the other. The deception in that case is a one-sided deception and someone may get trapped into a marriage of convenience. It is difficult, therefore, to administer a policy fairly and firmly which is going to apply proportionately with sympathy or with punishment, to suit every case.

Let me say that it is impossible to administer any sort of Immigration policy on the basis of marital disputes. I would venture to say that if we attempted to do that, we would have less of a population because half of us would be on the island this week, and off the island next week. As soon as they patched up their differences, they would all be emigrating, based on the nature of the disputes. So, it is inappropriate to consider an immigration policy that has complete and utter regard solely on the basis of marital disputes. There will always be marital problems. How it is administered at an immigration level has to be very clearly defined and tactfully implemented.

The present policy, therefore, is to take no action unless there is a separation, a divorce, or some legal basis on which to take that action. If we wish to get into the business of spying on each other to see who is sleeping with who and filing affidavits to the effect with the view of trying to have a person sent off the island under the Immigration Act, I think we are going to have to be very cautious in considering that as an alternative, although it may be one.

It has also been said that there are certain responsibilities placed on the shoulders of Marriage Officers. It has been suggested that perhaps improved counselling and more careful examination of requests would go a long way to assist in this area. For the benefit of the record, Sir, I might just read a circular letter that is issued from my office with each and every appointment that is made of a Marriage Officer, and a letter that is occasionally sent to all Marriage Officers as a constant reminder that there have been growing concerns in Government, and that they can assist in their responsibilities in this direction. The circular letter reads:

"Dear Marriage Officer,

I believe that you share the growing concern of the Government and people of our Islands about the number of non-Caymanians who are arranging to marry Caymanians solely for the purpose of gaining preferential treatment by the Caymanian Protection Board and the Immigration Department.

Marriage Officers are well placed to assist us with this problem. Marriage is an honourable estate only when it is entered into with honourable intentions and I expect Marriage Officers to do their best to ensure, not only that there is no lawful impediment to the marriages they are asked to solemnise, but that the marriages are not being entered into as a matter of convenience, with no regard whatsoever for the marriage vows.

I am enclosing a list of guidelines which you should find helpful in identifying persons who are in the Islands illegally, or whose permission to remain in the Islands have expired or is about to expire.

In addition to those guidelines, you should ensure that all the requirements of the Marriage Law have been complied with, including the requirements that the banns of marriage be read before congregations to which the parties to the marriage belong, or before any other congregation in the district in which the parties reside.

I look forward to your cooperation in these important matters."

Having read the circular and referred to the guidelines, I should perhaps also just quickly read through the guidelines. These are the guidelines issued to Marriage Officers:

1. All reasonable measures should be taken to ensure that non-Caymanian prospective spouses are legally present in the Cayman Islands, and that they have current and valid leave to enter and remain endorsed in their passports. This should be done by (a) requiring the production of travel documents or passports for inspection; (b) seeking clarification of the prospective spouse's immigration status from the Immigration Department.
2. Marriage Officers should require and insist that all such travel documents or passports are produced prior to any marriage proceedings being initiated.
3. Marriage Officers should decline to accept letters from employers which purport or attest to the fact that the prospective spouse is a legal resident of the Islands.
4. Any questions or doubts regarding the prospective spouse and their immigration status should be immediately referred to the Department of Immigration.
5. In cases where there may be reason or cause to suspect that a prospective spouse may previously have been married, the Marriage Officer should enquire and insist upon documentary evidence being produced in substantiation of the fact that a divorce has taken place, and that it has either been decreed absolute or final.
6. In any case where a Marriage Officer has reason to suspect that a marriage is being entered into for the sole purpose of a spouse achieving settlement in the

Islands, then he or she should immediately communicate these doubts to the Department of Immigration."

It will therefore be seen, Sir, that the Government has not just had these concerns and shared in them and have done nothing about them. The difficulty seems to revolve around action now. You know, I can remember hearing certain expressions in this Chambers; expressions such as "go faster and faster and faster". We are moving now, apparently, into the era of getting things done, not tomorrow, but now.

Sharing the concern, doing something about it and doing it in a timely way, doing it effectively and doing it tactfully, are all vital ingredients to maintaining the Cayman Islands' reputation for being a hospitable and reasonable domicile and destination for visitors and others. Therefore, one must be cautious in any legislative intent to intervene into issues bordering on morality and motive, until and unless there are reasonable grounds on which to intervene.

Having said that, Sir, the Government is always receptive to ideas of finding new ways and means and additional ways and means, of enforcing the laws where there is evidence that there is abuse. In this particular regard, there should be no difficulty in accepting Private Member's Motion No. 1/88, and perhaps I should also take the opportunity of saying that I read too, with interest, the Compass's editorial this morning. I find it well balanced, reasonably put, and of course, it is not at all an easy matter to resolve. I think the editorial recognises that solutions are not self-evident in these matters, but that we should take tradition, mix it together with a bit of common sense, and then get on with the business of doing the best that we can.

With those few words, Mr. President, the Motion will have my support.

MR. PRESIDENT:

Does any other Member wish to speak?
The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, I am happy to hear that the Motion is going to receive support. I was hoping to hear a little more definite and definitive way in which support or action was going to be taken to address this problem. But, let us not cloud the issue, nor confuse the problem we are facing. We are not talking about people who are in obvious, legitimate marital circumstances who are having slight domestic tiffs, and which may call for short periods of separation. That is not what we are dealing with.

The motive behind this Motion has nothing to do with morality. The intent of this Motion is to deal with the problem of the marriages of conveniences. I think the Honourable Member, in offering support to the Motion, in his letter to the Marriage Officers clearly admits that this problem exists. My information has it that some of these people get married, for example, in East End and they do not even go back to the same district after the marriage, much less to the same house.

As the Seconder of this Motion, I am sure the Mover is fully aware that provisions presently exist through the Courts to address this problem. What the major concern here is, is the martial side of the problem which we are talking about. There is provision in the Courts where the individual can address his problem of being hitched through a legal document called a Marriage Licence by saying "I do". The problem we want addressed immediately is the work permit that that person has gotten. It is unfortunate, that most of the people who are being used, abused and confused in this situation neither have the resources the care, concern, social conscience or anything else to even report it to Immigration or to do anything else about it.

When someone picks up a drunk off the street and carries him to some other district; has the Marriage Officer perform a marriage ceremony; one party gets the marriage certificate and takes another car back to George Town; gives the guy a couple of hundred dollars, who goes to maybe the Barn in North Side and is drunk for two or three weeks; after that he is sober, he did not even know that he got married; we are suggesting that in instances like this, we are hoping that affidavits by responsible people in the communities who are willing to sign an affidavit about things like this, the Immigration and the Caymanian Protection Board should take action and revoke the permit. Let the dissolution of the marriage take its normal course through the Courts, because it is going to take a long time to get it done through the Courts.

Not to be picky, Sir, but as the Seconder to the Motion, and I am certain the Mover feels the same, we are certainly not suggesting that Caymanians should all join the CIA or the FBI and spy on one another. That is not the problem, Sir. Where these problems exist, where people are marrying deaf, dumb, drunk, drug addicts, etcetera, the problem is obvious. They are going through one door of the house and they leave through two separate doors, and they are never heard of again.

The problem is that we as a Government, as individual Members who know the problem exists, must find and make provisions to deal with it. That is what this Motion is seeking, to find some way of dealing with it. If we stop the work permit, then the guy will get his marriage by it...maybe we could even declare him a prohibited immigrant, the guy will certainly get his marriage dissolved by reasons of separation after a couple of years.

But the reason for the Motion, Sir, is because although the provisions now exist in Law, the kinds of people who are being used in these situations have no concern to exercise their right under Law. They have been paid, either in money or in coin for the services of saying "I do" and in some instances are satisfied.

So, Mr. President, I hope that Government will consider trying to find a solution to this problem. It is going to lead to some serious social disruption and aftermath in the future. I am glad to hear that they are going to support it in one form or another.

MR. PRESIDENT:
reply?

If no other Member wishes to speak, would the Mover wish to

MR. W. McKEEVA BUSH:

Mr. President I would rise just to thank the Honourable Third Elected Member of Executive Council, the Member for North Side who spoke, and the Government for accepting that there is a problem and that they will try to rectify the situation.

Mr. President, I ended my presentation by saying that we have immigration problems, we need to realise that we have them, and that we need to do something about them. We have many people who have lived in this country for thirty years, who came from countries in this region and who have done well in this country, but who have not tried to tear down the country. They have made it their home, they have built a home here, they want to live here, they live a respectable life, they are honest, and they try to keep up with the country. They do not try to tear down the country. Of course, this Motion today is not in any manner or fashion to cause any affront to those people, because they have been good people in our community.

Thank you, Mr. President.

MR. PRESIDENT:
1/88.

I shall now put the question on Private Member's Motion No.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH:

Can I have a Division, Mr. President?

MR. PRESIDENT:

Indeed. Clerk?

DIVISION
NO. 1/88

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
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

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

PRIVATE MEMBER'S MOTION NO. 1/88 CARRIED BY MAJORITY

MR. PRESIDENT:

Proceedings are suspended for fifteen minutes.

AT 11:15 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:42 A.M.

CONTINUATION OF DEBATE ON THE THRONE SPEECH

MR. PRESIDENT:

Proceedings are resumed.
The Debate on the Throne Speech. The Second Elected

Member for West Bay, continuing.

MR. W. MCKEEVA BUSH:

Mr. President, when we took the adjournment on Tuesday, I was saying that our position as a financial centre is in good shape and that developments among our competitors in the region should fully enhance our position. Recent developments, in the Bahamas for instance, where the Government seems to be telling the banks to cough up or else reminds me that this kind of strong arm talk only frightens away investors. Any responsible financial institution which deals with money deposited by investors cannot just give away the money. They are held responsible for that money, and I would hope and pray that that sort of reckless attitude will never prevail in this country. Of course, there is, I hope, an attitude by banks and large companies to put as much into the country as possible especially in things that would strengthen our social fabric. This could only be good for all concerned.

Up until now, Sir, this Government has set sound fiscal policies which have resulted in tremendous growth, growth which is broadly based and has brought benefits to all people in this country. Under this administration the expansion in the economy which has lasted from the end of 1985 through 1986 and through 1987 is, I would say, the most sustained growth for many years. And, unless something unfortunate happens, like a change in policy which the Administration has set, I foresee many good years for these Islands. As far as I am concerned, Caymanians would be foolish to do anything that might destroy what we now have going for us.

In the years 1985-1986, or let us say 1986 and 1987, indeed it has become quite evident that the rate of development, may be, is too rapid. In this respect our position today is quite different from what it was before. As late as 1984 the economy, you would say, was not depressed, but it was not operating at maximum. For one thing, we had unemployment. Maybe it was more reason than slow construction, or slowness in the economy for this unemployment. But, our industries were operating below capacity. Construction, for instance was slow. So, in short, even as late as 1984 there was considerable slack in the economy. This is not the case today. All sectors of our economy are working at, or close to, capacity. Instead of unemployment we have over employment. In this light, we must be most careful to maintain generally a reasonable balance between the increases in the production from the economy which are physically possible and the increase in the demands we place on our limited resources.

Here again, with an economy that is so evidently flourishing, how can some people continue to be negative and spread so much propaganda? There are some people who are trying to say that benefits have not reached down, and I believe I mentioned an aspect of this in the Budget Debate in November. The more I examine the situation, the more I come to find out how right I was, and how wrong they are. Their claim cannot be substantiated. To prove my point, I would look at certain key indicators in the country.

Mr. President, tourism has never been better. Every month there is an increase, and even in the country's slow months of September and October, we have had marked increases. In the year 1985 we had 403,346 tourists, 51,278 more than what came in 1984. In 1986, we had 437,031, an increase on 1985 of 33,685, and a substantial increase on 1984 by 84,963. In 1987 we had 480,792 tourists, an increase on 1986 of 43,761, and a gigantic increase over 1984 of 128,724. This is saying that the Cayman Islands are a healthy destination, the Cayman Islands are a healthy place to come, and I believe there are reports in prominent magazines that say we are the favoured destination of the 1980's.

We have good tourists coming, not just people, but people with money who are willing to invest in the country \$500,000 to \$900,000 for condominiums or apartments. What does this tell us? Even the most ardent opposition to the administration must surely be blind if they cannot see that things are good in tourism.

The question of the trickling down we must take a look at it and ask, how does tourism help, how does it trickle down?

Tourism goes to the restaurants, to the taxis, to the bus operators, to the stores, even the small stores, gift shops and you might say the tour boat operators. Every phase of life in Cayman is benefiting from tourism. Maids take home \$1100 dollars in gratuities for one month. And, those places that are still stealing gratuities, we have their Waterloo - the Labour Law - which I hope will soon take effect, and of course which the Opposition did not support. It will take effect on 1st of March, I understand, which cannot come too soon. I am going to push to see that there is some sort of investigation into the gratuity situation, because it is too blatant, and gratuities belong to our people, not to management. I will deal with it further on.

With all these indications of what tourism means and what it is doing for our country, how can any person in this country really say we are not benefiting from tourism? We, as Caymanians, have to try and get more out of tourism, and at the same time we must be most careful that we do not

do anything to scare it away.

I would urge Mr. President that if we have a gripe, go to the Department of Tourism, or to the Member responsible, or to the Labour Office or to the representative in the constituency or get round a table and negotiate. Let us never get the attitude that we do not need tourism. That day, Mr. President, we will perish. The doubters can hang their heads in shame if they have not yet come around to a sensible way of thinking.

Tourism is certainly in a good state and I will publicly say thanks to the Honourable Member, to his Department to his Principal Secretary and the members and staff of the Tourism Department who are very vigilant. The Honourable Member has worked very hard and we must give credit where credit is due. The people of George Town should be proud and glad; the country should be proud and glad that they have such a man as the Honourable Member now responsible.

To prove that what some of the people are saying is wrong, let us look at another main indicator - development and construction. We see from the Statistical Abstract that in 1985 we had \$76,748,000 - well up, by \$12 million over 1984. And even though we took a drop in 1986, we were still up over 1984. We had \$68,713,000. Do not tell me that Caymanians are not getting a share of this. But, the most vital statistic to prove that Caymanians are getting something is to look at the total residential development that took place in 1984 when it was \$15 million, and compare it with 1985 when it was \$21 million, and 1986 when it was close to \$22 million. We do not yet have the complete figures for 1987, but for six months of 1987, we have \$14,625,000. This tells me, and it ought to say to the country, that either Caymanians have more money and can build their own homes, or they feel confident in the state of affairs under this Administration to go out and borrow.

Coupled with this is the obvious confidence in the country today by large lending institutions who today are lending money for up to 15 years, and I would not be surprised at more than 15 years. Recently one bank announced a plan to loan \$11 million for housing development. This was unheard of before, and this says much of the faith in the country by those large Corporations. If they did not trust the management of the country, they would not embark on such long term lending facilities. This is good for us, because more Caymanians can get their own homes.

Mr. President, there is no doubt about it, ride around the country and see the sort of homes that are going up. Yes, there are people who I have tried to help, and I have helped some of them. We have still have far to go with them, and the Government must be more vigilant than they are in helping the man at the bottom level. But overall, the picture is good. Caymanians have confidence in the country.

Our Currency Board, Mr. President, is another good indicator that money is here and that money is being spent. The circulation of our currency, moved up from \$10 million in 1984 to \$13 million in 1986. In 1987, it was over \$15 million, high \$16 million in circulation. The Caymanian dollar continues to be the strongest in the region, stronger than the United States, even. Do not tell me that this does not speak well for Caymanians. \$16 million in circulation - who are they fooling?

There are Caymanians who have started their own businesses today - there are more Caymanians today in their own businesses than at any other time in our history. This is not a time when people do not have the money. And this is saying we have the confidence in the country, the business is here and we want part of it. People who had taken great losses in the boom years of 1980 and 1981 are just now getting out of the bad phase they were in, and which those boom years had left them - because of the type of development we were getting. Ride around the country, and you will see that Caymanians in general are venturing out, they are buying property, they are building apartments, they are adding on to their present house, or they are building second homes for rental. They must feel, Sir, that now is a good time.

Mr. President, do not tell me, not just in the residential area, but when we take the figures for apartments, \$20,715,400, do Members of this House realise how many Caymanians are out there building apartments for rental? What does this tell us? Do not tell me there is not a trickling down. People who are investing these kinds of funds must have confidence in the Administration of the country. People who invest those kinds of funds must be saying to themselves, "Brother, it is time that I made an investment - the economy is good, let me get my share out of it." And so ever since we took over in 1985, when we had a slow start because of the adverse conditions we found, we still plotted a course, and although we have not always seen eye to eye - that is myself and the Honourable Members of Executive Council - the good ship Cayman has weathered the storm, and is now under full sail with a crew who can handle her. We have been successful during these past few years in stimulating the economy of the country until it is now operating at full capacity, and over-capacity. The doubters have very little room to doubt.

All of this being so, there are still challenges we must face. The question we must ask ourselves is, now that the country is doing good and now that there are so many opportunities, are we now prepared to exercise moderation, as well as the enterprise needed to keep the economy operating at full capacity? Not only in 1988, but in years to come. In other words, Sir, can we now pace and prolong our prosperity? This is a question the country as a whole must answer. If Caymanians try to achieve more than is physically possible, the result can only be severe strain on key industries, shortages of materials as had happened before when we were importing sand - thus rising costs and prices. Productivity, even, would be adversely affected, and you can bet our competitive position would deteriorate. In other words, we must avoid the kind of boom that leads to a bust. We must do this while bearing in mind that it is our responsibility, it is our obligation to our people to achieve steadily advancing living standards for our people, and reasonable profitability for businesses.

Bearing all these things in mind, we can all take satisfaction from the fact that our problems are no longer the problems of overcoming slackness or stagnation of the country, but those of managing growth and prosperity. Our situation calls for us to be careful. Talk in the country is about restraint in the expansion of the country. It does not call for deflation, we are not saying slam on the brakes. We want growth, but sustained growth, not erratic fluctuations. Let us be moderate. This is what is needed today if we are to guide our economy towards successive years of expansion and continued prosperity for Caymanians - because Caymanians are handling the economy.

Mr. President, I believe that what I have said here on this part of the speech from the Throne will dispel any rumour and any propaganda that anybody might try to come up with.

I would now move on to other areas of the Governor's speech. Mr. President, Health Services for this country I believe, will always be questionable. I do not know whether the Honourable First Elected Member of Executive Council, or whether anybody in this House will ever straighten out our problems at the Hospital but Government must always be vigilant as to the health of the country.

The study to assess the number of hospital beds for the next 15 years, and specific programmes for the new Hospital, speaks well for the Administration. It is saying that Government recognises the problems, and are setting plans and policies in place.

Mr. President, I would mention one adverse area of our health care, and that is the position with the morgue. For our country, it is a shame. I know a morgue is never a rosy place to be, but do not tell me that that facility there cannot be upgraded to a modern standard.

In general, the way we handle funerals and so forth in this country needs to be looked at. Do not tell me that in this modern age that we cannot have a better facility than what we now have when we go for burial. We can have the facility, I believe people are willing to pay for it - they are certainly paying as it is, anyway - everybody wants to put away their family and friends properly, and in a manner that is becoming. But sometimes, Sir, you can believe that is not always the case.

I have to attend all funerals in my constituency, because I know everybody. Sometimes it is very disheartening when we have a small funeral - and I am giving you an instance, where there are hardly any men, and we have to lift the casket into the vault. That is bad enough, but when we have to take the cover, to put in on, that is where the problem arises. I feel that more modern facilities could be utilised, and I believe that Government must look into it, it must straighten out that situation at the morgue. I often wonder whether it speaks well for good health, or for healthy conditions. I will say no more on it, I see the Member is not in the Chamber. I trust somebody will take note on his behalf.

The announcement of the formation of the National Drug Council is well accepted by me. This cannot be put together too early as far as I am concerned. I believe the Government is moving in the right direction.

Here I would say a word of thanks and encouragement to the organisation known as "Caymanians Against Substance Abuse". That organisation has people with well balanced ideas who are determined to do something about our drug situation. I hope and pray that Government will move every stone and jump every hurdle to work alongside that organisation. I hope my confidence is not misplaced, but I have great confidence that that organisation is going to do something and is going to get places in this country with the drug problem.

Mr. President, the announcement that the surveillance and monitoring of AIDS will be strengthened, our educational activities in that area continues and that more staff will be assigned to the programme is an announcement that I welcome. Quite a few of my constituents have spoken to me and they are saying, "Look, it is time for the country to do screening at the immigration level". However it can be done, I believe Government must take a look at it.

In the field of Education, the Course through the University of Miami which concludes this year will graduate 33 members of the teaching profession. This is good that present teachers are upgrading themselves and I would reiterate my advice on the salary aspect for teachers that I made in my debate on the Budget. Our teachers must be brought in line with people who are getting decent salaries. They are getting better salaries than the teachers in areas which have less meaning to the country. Of course, teachers must be more vigilant in the classroom. Not just a call for salaries, but they themselves have to be more vigilant, they have our children five days out of the week and that is where a great influence can be borne.

Mr. President, I come now to Social Services. In the field of Social Services, you would say there is some activity. This year we are going to construct the Juvenile Rehabilitation Centre. It is needed, we should have had one years ago. Nevertheless, I am happy to know that plans are developing along these lines. There can be more done in the area of Social Services. I have put forth the idea before that it is high time that Social Workers are placed in each district, people capable of counselling. If we have to take two or three out of the staff complement in the Tower, let us do so because it is only at a district level that they can know exactly what the positions of the people are.

Sports, Sir, continues on a solid foundation and in the area of football, basketball and netball, the country has never been more active. There is still some discipline needed, especially when we go to games, and we hope that we can get proper coaches who can take these matters in hand. Right now it is only done by contribution. When I say that, I mean that people do it from goodwill. But it is time that Government takes part. We have the organiser, but we need more, we cannot stop there. This year, we will see the awarding of the National Sports Award, the creation of which, I believe, will give our youth a chance and a feeling that they should push on for greater heights. In the field of sports, money is needed. The Government and the private sector alike must work hand in hand.

Planning: The Planning Department, because of continued activity in the economy, is a well worked department. The creation of the Building Code is needed, but I would hasten to add, Sir, that we have to be careful that we do not leave out our people or put too much pressure on them in the process. I am happy that Government saw fit to hold it back until April, because I myself, had never seen it until February and I have yet to have a meeting in my constituency on it. But it will go to the constituency. Let us not be fooled, there is need for it, there is need for a Building Code. With the type of development we are getting, this Building Code should be more placed on the larger developments in this country, and we should not seek to inhibit the smaller man.

Now mark you, Mr. President, if a man comes to build for me, I want to know that that man is doing everything that is right. The Building Code, hopefully, will address that situation. If I am going to build for myself, well, I can build whatever I feel is good for me. That situation should be left alone, to an extent. We must be careful, and I have already given my people an assurance. I have been in this House for three years now, going unto four and I have done what I could for them. I have stood by the little man and I am not now going to change my position.

We must be careful that we do not do with the Planning Code what was done with the entire Plan of 1975 or 1976. What should have been done with that Plan was that they should have taken the bad things out of it and left the good things, but that was not the position. This is what should be done with the Building Code. We are today, paying the price for not having a proper plan or a proper Code of development.

Today we have had to institute sewerage, we have had to put in the water supply, we are now going to do a Building Code. We have got to do the roads. All those things could have been done years ago, if common sense had prevailed. That is all I am asking the country to do. I will stand by the small man, but common sense must prevail.

Years ago, we could have had our airport, regardless of what one might want to say today. When we got around to it, it cost us in excess of \$8 million to what it would have cost us back in those years.

A road from West Bay to George Town was planned. Let us learn from old mistakes. That was not done, we have yet to do it. Look at the problem on West Bay Road today. Now they are going to spread propaganda - no, Mr. President, I have been one of the champions in this House for the little man, and I will continue to do so, but I will be preaching, let us exercise common sense. I hope those that would try to do otherwise will realise what is happening to the country today because of the lack of the things that should have been instituted years ago.

Two of the best run departments in the Government, in my opinion, are the Civil Aviation and the Fire Departments. Those who say Caymanians cannot do anything, should hang their heads in shame when they see how well run these two departments are. Let that be a lesson, let that be an example, that we can run, to an extent, a great amount of our affairs. I take my hat off to the leadership of those departments.

The long talked about a Fire Station for George Town is well on its way, again, a job undertaken by this Administration. The West Bay sub-Station should be opened next Monday. I wonder what they are going to say about that? That was promised from the time I was six years old. Every time there was an election, that was the first thing they jumped up and sung out about, "we are going to build you a fire station". Do not worry that cannot be one claimed this year, win or lose. I hope to see all the Members of the House there too, supporting us.

The Department of Labour: This is a new era for us in that we have just passed legislation for that department. I trust, hope and pray that the private sector will give the Law a chance. I would couple the two together, labour and pensions. One goes with the other. As I said before, the Labour Law has to give serious attention to the gratuity system in this country. We cannot allow that to go on the way it has been happening in this country.

The tourism industry is a large employer and people have come to depend on their gratuities to help them get along. We know that gratuities are many times over what the salary is. So I am praying that immediately this thing comes into effect, that aspect of the Law will be applied forcefully.

Mr. President, you hear talk that we do not need pensions. Any man who says that today does not mean well for this country and does not have this country at heart. If it is a Caymanian he is being greedy and if it is a foreigner that is doing so he has no business to say so. He comes here to live, we will accept him and treat him right, but we must take care of our people. In ten years, if not before, this country is going to be faced with a lot of people retiring. Who is making provisions for them?

Some of the same people out there who are opposing this Pension Scheme have had people working for them for 17 years, 25 years and 30-odd years. And, what is happening? They are turning them loose, they have no more use for them. That is not a good position. Again, the friends of the Chamber of Commerce, or what is purported to be the Chamber of Commerce, is very adamant that we do not institute one and that they must institute it. I would not trust them with ten dollars much less a Pension Scheme with millions of dollars. They cannot manage and they have no right to claim to be able to manage a scheme for this country.

That is the job of the Government of the day, and let me say to Caymanians one and all, whether that Government is good, or whether that Government is bad, the Government will always be with them, and some of these "just come here" people are only scraping up what they can scrape up and running.

Harsh words, Mr. President, but the facts, and the truth. I would hope that the country would use common sense and in the not-too-distant future, accept a plan for some sort of Retirement Scheme. If not, the country will pay for it, because more pressures are going to be put on Government, and Government can only derive its income from the people. I support it, I always will. If we do not get it now, we will get it when I go in Executive Council.

Mr. President, I do not usually say too much on Public Works Department. However, the Department, as much as we complain about it, has to bear the brunt of Government's activity in this country. While there can be some rearranging in the way people do their jobs, certainly, there can be some rearranging there; but in all, I must say thanks to them for what they are doing, and for what they have done in my district. Mark you, Mr. President, we got no work done in 1986 by the Public Works Department, they did not see West Bay. There was work done in the constituencies of Bodden Town, North Side and East End. So they cannot claim that they did not get something. The whole country will use what they have got, but the fact of the matter is, they got it.

The Public Works Department undertook a tough job in the Master Ground Transportation Plan, but in its draft final report, I think it is a magnificent document which is well put together. Again, this is something that I know is on people's minds because the propaganda artists are out there saying that Government is going to confiscate lands and not pay anything for it. That is not the case, that is not the truth.

By a Private Member's Motion, Government accepted some time ago where, in the new Law, they would have had to pay people for lands other than what the present system is now, and the fact that Government has stated that in the new legislation it will provide for payment, dispels all the propaganda. Even before we had the Master Ground Transportation Plan, Government accepted the fact, through a Private Member's Motion that I moved and which was seconded by the Member for North Side, that they would have to make some new arrangements when they want to put in roads through people's land. So I do not know what these people are talking about. They are living back in the dark ages. What they do not understand is that they have different people to deal with. 1988 is not like 1972 or 1976 when people could be told anything and they believed it. Caymanian people are more awake, and are wider awake than some people think.

We have a good Road Programme for my constituency this year, and we are going to see that all those roads that did not get done in 1985, 1986 and 1987 will be done, as much as possible, in the very near future.

Mr. President, I will come to a close in a minute. In all, the Speech from the Throne, as I said, is cautious, but has the right plans and right policies that are needed in the country.

Government so far has passed many good laws for the better management of our country. We had the Finance and Audit Law. That was well needed. We amended the Drug Laws, taking away the mandatory sentences. We passed the Rehabilitation of Offenders Law - no longer can the offence for not having a bicycle light be on your police record for ten years. The Labour Law, the Shipping Registration, the Community College Law and the Civil Aviation Authority Law are pieces of legislation that are important to the sound running of a country.

This is not like taking duty off of potatoes. I have done what I could for my constituency. This year, the wharf in Batabano will be done, I think work will commence next month; the Fire Station is completed, it will be opened on Monday; we have a boat ramp in the North West Point area and we are doing something about the cemeteries. One project which I am trying to get the churches to employ amongst themselves a Community Social Worker, is well under way. I have done what I could.

This year, is a General Election year, a year when the people will decide. Two Members have announced that they will not be running, and there is still some time to pay tributes to them, so I would refrain from doing so at this point. But to the two Members who have not yet said anything, I trust and pray that they will again see fit to put their hats in the ring.

I support the two Members, although we have not seen eye to eye on every issue in this House but I am going to support them if they decide to stand again. I do not see any alternatives. Basically, I will be supporting all the Members I supported before, including the Second Elected Member for George Town. People say, "McKeeva, you have to be careful who you support". Yes, Mr. President, that is why I am not going to jump out of the frying pan and into the fire. I am going to live with the evils that I know. I feel sure that this group of men that have taken the country to the position where it is today will not do any worse in four more years than they have done today.

There has been talk concerning the West Bay constituency. I will say to them that if, at any time, any one of them felt that I was questioning the Honourable First Elected Member of Executive Council as to his integrity, they have made a big mistake. I have never had reason to. I have always squared off with him on some of his policies, and because I am not a 'yes man' or an 'extension cord', I will always do so. But I doubt that anybody can question his integrity, I believe that I can get back with him, and say to the people, "Vote this ticket". So much for politics, Mr. President.

In closing, I would say, that we have done well as an Administration. We had the job of bringing back the economy to where Caymanians and foreigners alike were investing again. This we have done. It cannot be successfully stated otherwise.

We had the job of putting Cayman Airways in a sound position, and considering the financial mess we found in 1984 and the position it is in today, I believe that the public is satisfied as to the administration and management of the National Airline. We found a badly shaken social fabric. Today it still leaves a lot to be desired. However, this Government has started plans, schemes and policies to try to arrest the deteriorating position. We have not sat still, whether it came from Executive Council, or whether it came from Backbenchers on this side of the House, we have done something. And generally Sir, we had to put respectability in our country so that internationally, we might have a good name. This we have done.

I believe that every Caymanian must now assess where he or

where she wants to go and what kind of society we want to live and raise our children in. I believe that each of us as individual citizens must develop a sense of personal dedication and participation in our country. The preservation and development of these Islands must go beyond politics, beyond factions and beyond self interest. In my view, it must be done through the wholehearted cooperation of Caymanians of all political views and otherwise.

Without this commitment on the part of the individual Caymanian for his country and for the ideals for which it stands, without the direct participation of individual Caymanians in the decisions that will seriously affect this country's future, the decisions unfortunately will be made by self-seeking politicians and a few special interest groups. This simply must not happen. Caymanians must stand their ground. We have a job to do and that task is to do what is right for Cayman for Caymanians. It must be done within Cayman, and it must be done by all Caymanians. It is a job that cannot be done by the temporary managers of our society, they are just passersby. It is a job that we have started, a job that will be done, a job that must be done, by the owners of our society, namely the citizens of these Cayman Islands.

Mr. President, I have done what I could. I have given my all. But still, the woods are lovely, dark and deep, and I have promises to keep and miles to go before I sleep, miles to go before I sleep. I have done what I could, Sir, I have stuck by the people.

God bless us all.

MR. PRESIDENT:

Proceedings are suspended until 2:15 this afternoon.

AT 12:51 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:20 P.M.

MR. PRESIDENT:

Proceedings are resumed.

Continuation of the Debate on the Throne Speech. Would any Member wish now to speak? The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL:

Mr. President and Honourable Members of the Legislative Assembly, I would like first Mr. President, to congratulate you on the comprehensive Throne Speech which you so ably delivered to this Honourable House last Friday, 12th February. Your Speech was progressive, thorough and sets out clearly the position of the past year, 1987, while projecting the policies of Government for 1988 and beyond.

I would like to take this opportunity to thank you, Sir, for your leadership. Since you have assumed your high office, my constituents are most grateful for your frequent visits to our Islands and for your genuine concern for our welfare. I would also like to take this opportunity to thank our Clerk, her Deputy, the Sergeant-at-Arms and the other members of her staff for the able assistance they have given to me during the past year. It is deeply appreciated.

This is the eighth year I have had the opportunity to stand in this Honourable Legislative Assembly and offer my contribution to the debate on the Throne Speech. I am most grateful to the people of Cayman Brac and Little Cayman, who made this opportunity possible, for electing me in the General Election of 1980, and again in the General Election of 1984. I would like to express my sincere thanks to the electorate of the Third Electoral District for the confidence they placed in me for allowing me to represent them in the Legislative Assembly during these two terms.

I would also like to express a special thanks to all Members of Government, the Civil Service and the private sector for their contributions which have helped to make our Islands a better place to live. I would like to express my personal appreciation to the Elected Members of the Executive Council for the guidance and leadership they have given.

I also wish to pay tribute to all who have served or are presently serving on Statutory and Advisory Boards and Committees. These individuals, I know from first hand experience, contribute long hours, their expertise and knowledge for the development and welfare of all the people of the Cayman Islands, now and for their future. I also would like to recognise the part our churches, social service clubs and other voluntary organisations play in making the community a good place in which to live.

Mr. President, I now go to the Judiciary. The year 1987 was indeed a busy year for our Courts. We are not always proud that our Court system, our Prison's and others have to be so hard worked and occupied but this is necessary in a modern society. The Court of Appeal, the Grand Court and the Summary Courts all had a very heavy load. The number of cases before these Courts necessitated the appointment of a Judge of the Grand Court and a second Magistrate. Often times there was a shortage of Court space, and the Magistrate's Court sometimes is now forced to have their session in the Town Hall in George Town. It is my hope that this can be remedied in the not too distant future as we look forward to the expansion of our Court facilities.

I note with keen interest that our new Chief Justice has authorised enquiries into the cost and feasibility of improving court reporting systems. I have for many years felt that as we have moved with modern technology in every other field of our Government, that our court reporting needs to follow suit. Not being a legal mind, I do not know the implications, but I am glad to know that an enquiry has been instituted.

1987 saw the retirement of our former Chief Justice, Sir John Summerfield, who had served this country for many years in a most noble manner. He will be missed, and I wish for him all that is good for the future.

I would also like to take this opportunity to welcome our new Chief Justice and his family to our Islands and wish for him a long and successful tour as our Chief Justice.

The Royal Cayman Islands Police Force plays a very important part in our community. I think all the officers and members of the Royal Cayman Islands Police Force are to be complemented for the improvements we have seen in the last year or more to the Force. I think the in-Force training programme which we voted in this Honourable House to employ United Kingdom officers on contract, has paid dividends. I think much improvement has been made to our Force, and as their term of contract comes to an end, it is encouraging that we see that efforts are being made to localise these higher offices in our Force.

Illegal drug trafficking and the use of drugs in the Cayman Islands gives me great concern as it does all proper thinking people of these Islands. It is putting a heavy responsibility on our Police Force and the Customs Department. This responsibility cannot be relaxed. I shudder to think of the results in the decade if this trend is not reversed. Every effort must be made for the prevention of the illegal trafficking of drugs and to discourage the use in our community.

Strict enforcement of the Traffic Laws have resulted in a reduction in the number of fatalities on our roads in the last year. I note with pleasure that there seems to be less careless driving and less speeding on the road today than there was a year ago. This is true also in Cayman Brac, as a concerted effort has been made there to reduce the numbers of those exceeding the speed limit, by bringing them to Court and placing severe fines upon them.

The Police Force, as I said earlier, plays an important part and it is a vital part of the Civil Service. Ever since I have been in this Honourable House, there has always been a

problem in recruiting proper staff for the Police Force. I note with pleasure that at least we have reached the 94 per cent of its full strength capacity, and I would like to encourage young able-bodied Caymanians, both male and female who are looking for a career in law enforcement, to join the Police Force and contribute to the welfare of your country.

Prison Services: The Prison at Northward is a place that I would like to have seen not ever constructed in the Cayman Islands, but due to the nature of mankind, it is a necessary part. It is encouraging that the number that is incarcerated there has had a tendency to slow down. Unfortunately I cannot stand here today and say that I have a vision that this will be reduced substantially, for it does not look, in our modern times, that this will be possible.

I am sorry to say the need for a Prison will be a part of us as long as civilization remains. I feel it is very important that we make every effort to establish a Rehabilitation Programme for our prisoners. Some of these young men and women made a mistake for which they are really and truly sorry, but after being incarcerated with hardened criminals, they tend to forget their mistakes and are made to believe that what they did was right. So when they return to society, instead of taking their place in society and moving on, they practice what they had learn while there with hardened criminals. So I feel it is essential that we make every effort to provide a healthy atmosphere within the Northward Prison, and to discourage the offenders being returned there for a second and third time.

Immigration: The economic growth of the Cayman Islands continues to place a severe burden on our Immigration Department. These are hard working individuals and some of them work long hours. Our economy has never been better in the Cayman Islands than today, for which this Government must be given gratitude, we need to import labour to fill jobs that are very necessary and of course it also encourages immigrants to come to our shores and seek employment in an illegal manner. This we cannot encourage, but we must ever be mindful that a job cannot be done unless labour is available, and we must make every effort to work along with our Caymanian and foreign companies that are doing business in the Cayman Islands, that the work force is provided.

Mr. President, the Caymanian Protection Law has been amended many times since I have been a Member of this Honourable House and I think it is due for another substantial overhaul. I think we need to make some amendments, not only to the Law itself, but to some of the Directives which have been issued, if my judgement is correct.

Radio Cayman has always received my praise. As I have said before, I think it is appreciated probably more in the Lesser Islands than here in Grand Cayman. It is now 90 per cent Caymanian staffed and I am very happy that the revenue it takes in is now more than covering its recurrent expenses.

I must say on behalf of those of us who live on Cayman Brac and Little Cayman, that we cannot understand why the installation of equipment to receive FM service there should be so far behind the dates given to me by the Honourable Third Official Member in answer to a Parliamentary Question in this House at an earlier meeting. I would appreciate an explanation regarding the delay and when we can expect that we will have the privilege of receiving FM broadcast in Cayman Brac and Little Cayman.

The Government Information Service plays a very important part in the dissemination of information. It keeps the public informed of the policies of Government and also provides information on the Cayman Islands to foreigners seeking investments and visitors to these Islands. I note with approval that the responsibility for the publication of the official Gazette has been transferred to the Government Information Services.

The Civil Service: I note from your speech, Mr. President, that it is estimated that the Civil Service will reach a number of approximately 1,728 employees during the year 1988 when all the posts provided in the 1988 Budget have been filled. This is an increase of 82 over the number in 1987. I for one, consider this a large number but I am mindful that each of us, as legislators, constantly think of ways and means of improving our Government and that these programmes require personnel resources. That is the reason that the Service has reached the number it has.

I congratulate the Civil Service, I think we have one of the best civil services that has ever existed here in the Cayman Islands. They are dedicated, and they deserve much credit.

In mentioning the number, Mr. President, I am not here to criticise, I am just saying how good our economy is, and how our country has progressed, that today our Government can offer employment to that number. The arrival of a Director of Training and his focus on clerical, supervisory and management skills, I am confident will improve the productivity of the Civil Service as a whole.

Mr. President, during 1988, three of our senior Government Officers will retire, namely Mr. Sammy Jackson, Mr. Louis Moncrieffe and Mrs. Marcla Bodden. I would personally like to congratulate each of these on the contributions they have made to the Cayman Islands as a whole for their long service. I wish for each of them a long, healthy and happy retirement. They have given many years of their life to the Service, and now each of them deserve some time for themselves.

Finance and Development: The Economic Development Unit, which will be introduced shortly, will create another arm of the Finance Department which I feel confident will be very helpful in the management of the Economic Development Plan. I note with interest the copy of the Economic Development Plan for 1988 to 1992 which was tabled in this Honourable House this morning. I feel we are to be complemented that the Cayman Islands now have an Economic Development Plan which we can project five years in advance and roll it over each year; that it will continue to be a Five Year Economic Plan; that it is not just a matter of who can talk the loudest, who gets the most; but that the absolutely necessary projects will have priority. The monitoring process of the Annual Budget which increases in the quantity of money each year will be helped by this Economic Development Unit.

Customs Department: I was very gratified when I read in the press that the revenue collected by the Customs Department exceeded \$27 million for the year 1987. This is a large sum of money, and again is a clear indication of the state of our economy, the amount of imports that are necessary to run this country, for construction, for food, and for the luxury items. This indicates a very healthy and buoyant economy.

The newly created task force of the Customs Department must be complemented for its alert and efficient service. They are going to help considerably in combatting the importation of prohibited drugs and other prohibited items into this country.

I note that a patrol and pursuit boat will be purchased for the Customs Department and put in service, hopefully, during 1988. This will be an improvement and I look forward to an efficient operation of this vessel.

I must also say it must never be forgotten that Cayman Brac and Little Cayman, being a part of the Cayman Islands, have many miles of coastline which need to be patrolled as well, and I ask that special attention be given, particularly to Little Cayman and Cayman Brac.

Company Registration, to me, is a barometer of the position of our country. I note that 18 per cent more companies were registered in 1987 than in 1986.

When the Mutual Legal Assistance Treaty was introduced into this House, which is not in effect as it has not been ratified by the United States Senate, it was said that we would see the Company Registry having to close down as it will have such an adverse effect. I am happy today to be able to say that is not the case. Eighteen per cent more companies were registered, as I said, in 1987 than in 1986, and revenue collected exceeded C\$7 million. This indicates international confidence in the Government of the Cayman Islands.

The upgrading of our Shipping Registry - this is a department of our Government which I have had interest in for quite a long time. I was very concerned in earlier years when it was thought that we may be forced to close down our Ship Registry completely, or drastically reduce the size of ships that could be registered.

Our Caymanian heritage was based on the sea - my forefathers were all seafarers and so were many others listening to me today. But I am very grateful that with the help of the United Kingdom Government, and the team that was elected to pursue this, that we are now having the Safety of Life at Sea, Marine Pollution and Load-line Conventions extended to the Cayman Islands and incorporated as a part of our Registry.

I personally, in previous years as a shipping agent have had many enquiries from some of the world's largest ship owners to register their ships in the Cayman Islands, but because of the lack of these conventions being extended to the Cayman Islands' Registry, they were unable to transfer their ships.

I feel confident that once this is in operation, and it is internationally well known, that we will have another source of substantial revenue for our Treasury.

I would like, Mr. President, to congratulate the Honourable Second Official Member for the operations of the Legal Department. They have operated under a very heavy work load during this year with a number of criminal proceedings that have had to be brought forward also the severe load of the drafting of legislation which we have passed in this Honourable House - items such as the Labour Law, Regulations for the Building Code, the Traffic Law and others. Due to the openness of this Government, where we have asked for the input of the public on every occasion, large volumes of drafting and redrafting of these legislations has been necessary before they are ever brought to this Honourable House to be voted upon. They have functioned well.

I am also happy to know that the Department has been expanded with a Senior Crown Counsel and five Crown Counsels, of which three are Caymanians, plus there is also an additional graduate of the Cayman Islands Law School, a Crown Counsel, who has been assigned to the Clerk of the Courts office.

1987 saw the arrival on our legal scene and as a part of our Legal Department, the first graduate from the Cayman Islands Law School. I am very happy that this has been possible. I congratulate the graduates and look with confidence for the results of the final examinations of the three students that will sit in 1988. I wish them all success in their examinations. I note with encouragement, that the total enrollment has now reached 21.

Health Services: I support the 1988 World Health Organisation theme "Health for All and All for Health". I am glad that the Department is making progress and that they are making a concerted effort to bring to the attention of all the people of the Cayman Islands the health services available and the needs. They have plans to promote this in the media, and I encourage this action.

The study of the number of hospital beds that will be required in Grand Cayman, in particular, in the next fifteen years, and the exploration of the construction of a new hospital with modern facilities to serve the people of the Cayman Islands is much needed. I hope the incoming Administration will see fit to give priority to the construction of this hospital when the plans and so on are ready. Nothing is more important than health, unless it is education, in our community.

The appointment of a full time Drug Counsellor has strengthened the services we can offer to addicts in Grand Cayman. We have known the need for such a person for many years. I feel maybe some have the idea that an addict should just be put away, but I personally sympathise with them, because it is an incurable disease in some cases, and we that are fortunate enough to not have had that encounter with drugs must make efforts to help those who have fallen by the wayside.

I would like at this time to ask the Honourable First Elected Member of Executive Council, the Member responsible for Health, that at his convenience, if he would arrange for the Drug Counsellor to visit Cayman Brac and explain to the people the programmes which will be available here in Grand Cayman. We too have a problem and I am thankful to say a much smaller problem than it is here, but there is a problem, and if we can nip it in the bud it will be to the benefit of all the people of the Cayman Islands.

The formation of a National Drug Council is necessary and important. The surveillance and maintenance of AIDS is greatly needed. I do not think we can over estimate the seriousness of this epidemic. Having had a little medical knowledge myself, I am greatly concerned with that. The introduction of the Thyroid Function Test will also be beneficial to our people.

I note with interest that the Prison Health Service has been improved by the appointment of a full time nurse in 1987 and that a Dental Clinic is being prepared. I feel it is very important that these people who are incarcerated have proper medical aid and that we prevent any disease from spreading at that Institution. I would like, when Government finds it possible, that a full time medical doctor be appointed for the Northward Prison. It is expensive and time consuming to transport these prisoners to the hospital whenever they need attention. I think it would be a financial saving to the Government and the security of the prisoners would be better handled if they were treated at the compound.

Mr. President, a department of our Government which I think often times are taken for granted and which plays a very important part in our welfare is our Environmental Health Department. Most people believe, based on what has been said to me, that the only function they have is garbage collection. That could be no further from the truth. They have a responsibility for protecting our environment, our noise and pollution control and rodent control. They have a large number of responsibilities and they are, in my opinion, doing a good job. They are also most helpful and very cooperative with the Department of Planning and the Water Authority in inspecting plans for buildings to make sure that they are environmentally right.

Education: I was proud to witness the ceremony which celebrated the 100th year of publicly funded education in the Cayman Islands; to look at a publication and listen to some of the older people rehash how publicly funded education got started in the Cayman Islands. Those people, being so far sighted, need to be greatly complemented. We today, are benefiting from the efforts which they put forward during that 100 years, and the challenge is now on to those of this generation and the generations to come that will make up the next 100 years. I would like to thank each and every one who has contributed in every way to the furthering of education in these Islands.

The introduction of the General Certificate of Secondary Education for the first time in 1988 is an important achievement. I do not think that we can overestimate the importance of primary education because if our children do not get a proper foundation in education in the primary schools, it is not much use of us spending large sums of money in the secondary schools for they will not have the foundation to take advantage of the benefits in secondary schools.

Our primary schools are important, and I feel we must make every effort to improve their curriculum. I note the introduction of the Cayman Islands' history is very timely and I am very glad to see that it is being introduced.

The introduction several years ago of the programme with the University of Miami to further the education of our teachers was, I think, a good move. I know personally some of the people who make up the 33 members who will receive the Bachelor of Science Degree in Education on 30th April, and I congratulate them for their determination. I am sure it has not been easy to hold a full time job, in most cases, and further their education at the same time.

Our Community College is an asset to us. It will be operating under a Board of Governors during this year for the first time, and I hope that the new campus will be well

underway by the end of 1988.

Social Services is an important Department. In my opinion, it is under very capable leadership, and is developing well. The construction of the Juvenile Rehabilitation Centre is planned, and it is very needed. Social Services again is a department the responsibilities of which I do not think the public fully understands. I am glad that it has been able to expand its staff by the addition of two Social Workers, a Caring Home Supervisor, and a Clerical Officer as well as five Home Care Assistants who are now employed. This department must provide care for those of us who cannot provide the care for ourselves.

I note with interest that the George Town Library will be fully staffed, with the joining of a new Deputy Librarian. Grand Cayman should be proud of its Library although I think it is not fully utilised. I feel it could be far better utilised by the students. I enjoyed the use of libraries during my education, I know the benefits which can be derived from them. I also note that the redevelopment of the branch library is planned in East End and Cayman Brac. These are much needed facilities in our community.

Mr. President, in your Throne Speech you made reference to the development of sports in Cayman. I understand this development to be Grand Cayman. I am glad that much progress is being made in Grand Cayman, and I compliment the Sports Director for all his efforts. But as a Representative of Cayman Brac and Little Cayman, I humbly ask that more attention to sports in these two Islands be given. We do not have proper playing fields, but we try to utilise what we have. We need the assistance of coaches and better expertise in properly outlining our Sports Programmes.

I turn now to Natural Resources. Regulating the watersports industry is long overdue. The future of tourism in these Islands, in my opinion, is going to continue to be watersports oriented. If we do not protect our reefs and our natural environment, in a few years we will no longer be the tourist attraction that we are today. I think this is a good move, I look forward to proper legislation coming before this House in the not too distant future.

I supported legislation to create the National Trust when it came before this House last year. I am very encouraged that it is moving ahead and that District Committees have been appointed. I know much interest is being shown in the District Committee in Cayman Brac and I am sure there is a similar situation in Grand Cayman. We must preserve our heritage and this is the best way to do it, under the National Trust.

The Planning Department, is responsible for development and planning of the entire Cayman Islands. It operates under a Law which also needs amendments and improvements to its contents. We in the Lesser Islands, are subject to some of the provisions of the Development and Planning Law, not all, but we do have discretionary powers within the Development Control Board there. Additional responsibility has recently been placed on the Department of Planning with the introduction of the Building Code and approval of plans will now be done within the Department of Planning instead of having to go through all the other departments. This is an improvement, but it necessitates an expansion of the staff and more responsibility in the department.

On the Building Code, Mr. President, I would like to mention that I supported the idea that to bring the Building Code to this Honourable House during this meeting would not have been fair to the people because they have not had sufficient time to properly understand it. I for one, have not had an opportunity to, as only four copies of the Building Code have been available to Cayman Brac and Little Cayman. Nor have I had an opportunity to discuss it properly with my constituents. It has been my policy from the time I first came to this House never to support any legislation that I did not properly understand and first know that my people were satisfied that it would be beneficial to them.

I support the need for a Building Code, I think it is overdue, but I do feel we must, as representatives of the people, make sure that they are satisfied and understand it. Often times a misunderstanding is what has caused a lot of problems in these Islands. I welcome the opportunity to take it to my people. I have asked the department, and they have agreed that the experts, being the Building Control Officer, the Director of Planning and others, will visit Cayman Brac and have a public meeting where questions can be answered, as was done in Grand Cayman. After this has been completed, I will be satisfied that I have done my duty, and will be ready to deal with it at the Legislative Assembly's Meeting in April.

The Development Plan Review has been a long process and is long overdue. It is supposed to be done, according to law, every five years, but many five years has gone by since it was done. Much effort was made in 1987, and it is my understanding that the Development Plan for the Cayman Islands will consist of three separate plans, one for each Island. This is necessary, for as I have said in this Honourable House on many occasions, we must all realise that legislation and development plans and all of that are very hard to cover for islands that are divided in their stages of development in such great extent as it is between Grand Cayman and Cayman Brac and also between the development stage of Cayman Brac and Little Cayman. So we will have individual development plans and guidelines for each individual Island, this is my understanding.

Agriculture: I had the privilege yesterday of attending the Agricultural Show. I would like to congratulate the Agricultural Society, the Portfolio and all who have had an input in the development of agriculture in Grand Cayman. I was very happy to see the quality and quantity of produce and the animals that were on display at the fair. They were well displayed, of good quality, and the people who took part deserve much praise.

We have come a long way in agriculture. I think, with the introduction of the Farmers' Market, the abattoir and the laboratory for analysing soil, plant disease and nutritional disorders in the soil will be very helpful, and will help to further improve the quality of the goods produced. I hope Cayman Brac can participate in some small way. We have had an extensive period of drought and labour has been short. Not many people want to work on farms any longer.

In Cayman Brac, most of the arable land is on the Bluff and it is only recently that farmers have been able to get to it by vehicle, so farming as a profession which is almost non-existent in Cayman Brac today.

I noted, and personally discussed with a gentleman from the Natural Resources Laboratory who was carrying on the surveys in the grouper spawning areas around Little Cayman and Cayman Brac, and I think here in Grand Cayman as well, the importance that we understand the migration and the reproduction of our grouper population. It was once much greater than it is today, and if not taken in hand, I feel that it will further be reduced. The protection of the fish life, reef and the corals around these Islands with permanent moorings, is very necessary.

Two very large projects have been undertaken by this Administration being the Water and Sewerage projects. I am very happy for the people of George Town, that they now have good, potable water piped to many of their homes. I remember debating in this Honourable House the necessity for the reduction of duty from bottled water in support of so many of these poor people who could not afford to have water catchments of any size. During periods when there was not sufficient rainfall, they had to buy bottled water to drink and extract from surface wells for other use. I am happy today that our Government has been able to provide this, because there is nothing more important to our health than a proper, sanitary water supply.

The sewerage system in the West Bay area is important. It is an area that has always given me great concern, due to the high water table in that area. I look forward to the time when the sewerage can be extended over the other populated areas of Grand Cayman.

The Agricultural and Industrial Development Board has played a very important part in the development of small businesses in these Islands. It gives Caymanians an opportunity to

compete with foreigners, since they can now get loans to buy commercial fishing boats and tourist oriented crafts which they could not have afforded, and possibly would not have been able to have got the financing through the commercial institutions doing business here in these Islands. It is important that we help those who try to help themselves.

The Housing Development Corporation has also made housing available to lower income people. It is regrettable that more funds have not been available to the Corporation in order that more loans could be granted. We have many, many people in our community who do not have proper housing and cannot afford or qualify to get mortgage financing from most of the commercial institutions.

I turn now to Lands and Survey. Lands and Survey is another indicator of the state of our economy. The Stamp Duty collected in 1987 exceeded by 50 per cent the revenue collected in 1986. This indicates again the state of our economy. Aerial photographing of Cayman Brac for mapping purposes and topographical mapping for Grand Cayman will continue.

During 1987, Mr. President, I brought a Private Member's Motion to this House concerning the return of swamp, low and cliff land to the land owners of Little Cayman who had lost these during the Cadastral Survey. I was very grateful to the Members of this Honourable House that we had a unanimous vote in favour of the Motion. In summing up my presentation on the Motion, I asked the Honourable Fourth Elected Member of Executive Council if he would issue a press release or guidelines as to how the claimants who felt that they were entitled to this land that had been declared in favour of the Crown could go about doing it. I have discussed this with him before and I now ask him again if possible, that sometime in the near future, he could make a public statement on this. I have had numerous letters from people overseas that have land in Little Cayman, and oral enquiries from many residing in Cayman Brac and Little Cayman. But honestly, I do not know any more to do than I have done. So I ask his cooperation in helping me to get this matter properly cleared up.

Our tourist industry is most important to our economy and I am very proud to read of the improvements and the increase in the number of tourists that are coming to the Cayman Islands. This is also true at last, in Cayman Brac. The statistics indicate a 25.9 per cent arrival increase over 1986 during the year 1987, and we predict a possible 10 per cent increase for 1988. I would like to congratulate the Honourable Member responsible for Tourism, Aviation and Trade for the success he has had with the Portfolio and his advertising programme. I compliment him and his Portfolio and the Department of Tourism, for certainly, with the world's economy where it is and the fact that we are having an annual increase in our tourism means that we are definitely hitting the right markets.

The Civil Aviation Authority came into operation on 1st June, 1987. The Civil Aviation Department is very capably handled, and is doing a good job. We now look with keen interest on the completion of the Airport Terminal and the taxi-way at the Gerrard Smith Airport in Cayman Brac, a Fire Station and all that will make that operational. We hope that the contributions that that airport can make to the Authority will increase as better facilities and more tourist accommodation is provided in Cayman Brac.

I am happy that in the near future the Fire Department will have a proper headquarters. I congratulate the Chief Fire Officer for the way he has developed this service, both as an airport and a domestic service. He deserves much credit along with his other members of staff, and they certainly deserve the new improved facilities that will be available at the Owen Roberts International Airport.

Many of us fail to realise the importance the Fire Department plays in a community. We tend to think their only job is to put a fire out once it has started. But the main emphasis they have is on fire prevention. They play an important part in overseeing and inspecting buildings under construction and ensure that they meet certain standards for safety of lives. They have training courses in schools on fire prevention. So all in all, we must be very grateful to our Fire Department. I note that the West Bay area will, I am told next Monday, have a Fire Station operational in that district. A large district such as West Bay has needed that for many years. There has been much talk on its construction, and I am happy that we will see it operational as of next Monday.

The Fire Station at the Gerrard Smith International Airport will be, or is being, constructed to where it can provide a certain amount of domestic fire service, secondary to the airport service. This will be quite an improvement.

I note in your speech, Mr. President, that the hydraulic rescue tools which are known as "Jaws of Life" should save many lives here in Grand Cayman, are being purchased and will be available at all the substations. I would like to thank the Chief Fire Officer for his efforts to provide these. I have wondered about this for quite some time because in an emergency, it seems like nothing else can really act fast enough to save lives as easily as this "Jaw of Life" can do.

Labour ...

MR. PRESIDENT:
Shall we take the break?

Excuse me, it is roughly the time for the normal afternoon break.

Could I mention that the photograph originally arranged for this afternoon is deferred until tomorrow afternoon because of the absence of one of our Members.

Proceedings are suspended for fifteen minutes.

AT 3:17 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:41 P.M.

MR. PRESIDENT:

Proceedings are resumed.
The First Elected Member for the Sister Islands.

CAPT. MABRY S. KIRKCONNELL:
speak on Labour.

Mr. President, when we took the break I had just begun to

During 1987, we had much debate on Labour legislation, both in Select Committee and on the floor of this Honourable House. It is my understanding that this legislation will come into effect on 1st March. It is my hope that it will be understood by all and will be beneficial to employee and employer alike. We took a lot of time, much effort was put into it, and I think it is the best we could get at the time.

Regular visits by the Director of Labour to Cayman Brac has been made possible by the Honourable Member responsible, for which I am grateful. The Director visited Cayman Brac last Monday and a good reception was given to him. I think he was worked hard, but nevertheless, it enabled the residents of Cayman Brac to get personal input from him and to voice their grievances. The continuation of these visits I think, will be very helpful to the implementation of this Law in the two smaller Islands, and will be appreciated.

I would again like to mention on the floor of this Honourable House, a serious problem that exists due to the difference in the development of the three Islands. Major legislation such as the Labour Law, the Building Code, the Traffic Law and many others which are very necessary in Grand Cayman due to its advanced and rapid stage of development are almost impossible to implement in Cayman Brac, and less so in Little Cayman. This is a serious situation - it is a situation to which we must give very serious consideration. The gap does not seem to be closing - if anything, it seems to be increasing. I find it very difficult to

explain Bills that will go before this Honourable House to my people and the effect it will have on them. I call this to the attention of Honourable Members, and in particular, to our Honourable Second Official Member. It is not a complaint, it is just literally bringing a factual situation to the attention of all.

I turn now to District Administration. 1987 showed signs of improvement of the economy in Cayman Brac and Little Cayman, with the construction projects at the Tiara Beach Hotel, the Government Dental Clinic and Public Health Offices, the commencement of the Airport Terminal Building at the Gerrard Smith Airport, a cottage project, the Strata title situation on the south coast of Cayman Brac, and several private homes. There is presently no unemployment on Cayman Brac, which I am glad to report.

The Public Works Department have road construction projects going on, alternately in Cayman Brac and Little Cayman and Cable and Wireless is continuing with laying underground cable throughout the Island. This has been very helpful to us over the last nine months, as it has been quite labour intensive.

If we are to continue to develop, we must encourage our former Cayman Brackers that are now residing and working in Grand Cayman to return to Cayman Brac. I would like to make an appeal to all Brackers who have a keen interest in their home Island to give serious consideration to returning to the Brac to enjoy the development for it is my belief that there will be continuous employment available. One project, the Tiara Beach, projects that there will be employment for at least sixty people going on to the end of 1992, so to all of you that have an interest, I would encourage you to give serious consideration to coming back to help us make Cayman Brac to where we can be self sufficient.

On the 26th February, Cable and Wireless will open their direct dialling from Cayman Brac to the outside world. This is a great improvement. The company has involved a large expenditure of money, with the improvement of the switching equipment and the laying of underground cable for the company. It is much appreciated by the people of Cayman Brac.

It now appears that with the introduction of direct dialling, the only telecommunication facility that will be available in Grand Cayman that is not in Cayman Brac will be the cellular or mobile telephone. It is my hope that this will be introduced later, because it would be of particular benefit to our Police Department in Cayman Brac due to the limited staff available. Not all the time is there staff at the Headquarters and if there was a mobile telephone in the car, one could contact them by this and they could provide better police protection.

Mr. President, my colleague, the Honourable Third Elected Member of Executive Council who also represents the district of Cayman Brac and Little Cayman, very ably outlined development which has taken place since his election to this Honourable House in 1976. He hit the highlights, but there were many other smaller projects which were very important. I was honoured to have served along with him in this House since 1980, and on behalf of myself, my family the people of my constituency, I wish to publicly thank him for all he has done for the people of the Cayman Islands, and in particular for Cayman Brac and Little Cayman. This did not commence with his coming into the House, but it has been a trait set down by his father and his mother from their very early days in Cayman Brac. The people of Cayman Brac dearly love Captain Charles and his family and we shall certainly miss having him as an elected representative of the people.

The Dental Clinic at the Faith Hospital will improve our dental facilities and also provide Public Health Offices, which have been necessary for quite some time.

It is my hope that when the Dental Clinic is completed and operational we can move on to the construction of some private rooms at the Faith Hospital, for which money has been approved in the 1988 Budget.

The Postal Department. Mr. President, I support construction of a new General Post Office in George Town. You only have to visit the present facilities to realise under what adverse conditions they are working. A country as progressive and which is developing as fast as Grand Cayman certainly needs improved postal facilities. With the multi-storey car park, it will have beneficial effects, and also will make the present Post Office available for other use.

The Port Authority is a well run Authority, a money-maker for the country, and I am glad to know that the construction of a two storey office building will commence during this year, as the present administrative offices do need improvement.

I also compliment the Authority on the improvement of the cruise ship landing site in George Town. The removal of the taxis from the thoroughfare in downtown George Town already is having a beneficial effect and when it is completed, it will be a great improvement.

The Public Works Department has a great responsibility for the construction of roads, maintenance of buildings in all of the three Islands. We have a separate Department in Cayman Brac which functions under the direction of the Chief Engineer in the Portfolio here. Both Departments, or both sections of the Public Works Departments, I think, are ably staffed and well operated. I congratulate them on the large work load which they handle most efficiently.

The Master Ground Transportation Plan has been, what I consider, a very proper study. The report is good, the availability of funds I guess will dictate how fast it can be implemented, but I certainly congratulate them on the very professional manner in which this Master Ground Transportation Study has been presented.

Mr. President, as previous speakers have spoken of their intentions for the General Election to be held in November of this year, I too would like to say a few words on that subject.

It is my intention to be a candidate in the Third Electoral District of Cayman Brac and Little Cayman in November 1988, God's willing. It has always been my policy, since elected in 1980, to support any legislation that came before this Honourable House which I felt, and the majority of the people of my district agreed, was in the best interests of the country. I supported the Government with its legislation or the Private Member, if it was a Private Member's Motion. I have never, since coming into this House, in a sense, been fully accepted by either of the teams. I have supported the Unity Team during their Administration when I felt that they deserved my support and I felt they were right. I supported the present Administration when I felt that they have been right. And it shall be my intention to stand as an independent candidate in the Election in 1988, and again I will pledge my support to whoever forms the Government, provided I think that they are right. I feel the Cayman Islands are far too small for an organised party system. I do not think it would be in the best interests of our country to operate a party system. But I will say, I stand as an Independent candidate, and that is my intention as of the present moment.

Mr. President, in conclusion, I would again congratulate you on the able delivery of a very comprehensive Throne Speech, and I pray Almighty God will continue to give wisdom and guidance to all who serve in our Government. To all the people of the Cayman Islands, I pray for continued prosperity, good health, and that the spirit of cooperation will continue to exist among us.

Thank you, Mr. President.

MR. PRESIDENT:
up.

I think the Honourable First Official Member is itching to stand

(PAUSE)

I really do not think we can adjourn now!

(PAUSE)

I really do not think I can stop the clock for much longer!
The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President.

Mr. President, I would like to join with other Members who have spoken previously on congratulating you for this very fine Throne Speech, the first you have presented to this House since you came to us last year. I would like to once again say how pleased I am that you and your good wife have been able to come and join with us and share with us the stable and pleasant conditions these Islands enjoy at the present time. I look forward, not only to the contributions both of you will make in this country while you are here, but I would also like to take this opportunity of pledging my support as both a Member of the Legislative Assembly and as a citizen of this country, in helping you to feel very much at home - when I say "at home" I mean exactly that - so that together, we can help to make this country an even better place than it is today. I certainly look forward to the association developing where on your side and on ours we can say that we have worked closely together to keep this country going in the right direction.

There has been nothing, since your being here, Sir, that would indicate otherwise, but I take this opportunity of saying how much I look forward to the good things that will happen in the future.

This has been a very comprehensive Throne Speech, upbeat, positive, with some room for caution as I have noticed, and rightly so. I trust that Members of Government, as well as members of the public, will understand the reason for the caution exercised in areas that have been mentioned in the Throne Speech.

First of all, Mr. President, you pointed out that your speech was reflecting growth, it was reflecting development generally, and increasing activities of Government. The increasing activities of Government have come about for more reasons than one. In some cases, we wished as I would go on in this debate to point out, that in certain areas there did not have to be more Prison Officers employed, more Police Officers, and in other areas we wished that we could say that there was a decrease in such activities rather than what is actually the true picture. However, as development takes place and what is hoped to be progress comes about, these changes, some of which are not pleasant, take place as well. But above all that, I would like to offer my grateful thanks to God, to the Government, and to the members of the community, for being able to say that, far different than can be said of many other countries even in the western hemisphere, this country continues to withstand many of the evils that could be forced upon us, and continues to maintain a healthy and stable Government, a healthy and stable atmosphere, and our people are generally a happy people.

Mr. President, I thank you so much for taking the opportunity and the time to pay tribute to the many individuals who served on Statutory and Advisory Boards and Committees. They give their time and effort, as you have rightly said, for the public good, also voluntary organisations and churches who have so notably contributed to the well-being and development of this community.

Often times, Boards are criticised for some of the actions they take, often it is easier to point out what we do not like than what we see developing as a very positive step that has been brought about by the efforts of these organisations and individuals within the community. I would like to take the opportunity at this time to say how very much I appreciate every member of boards or voluntary organisations or churches for the parts they play in our community. Needless to say, no matter how good a Government we may have, without the support of these organisations, without the part they play in our community, this Island could not progress as it has been doing.

As is the case even with the human body, there are many and varied parts. Every vein, every sinew, every eyelash forms an integral part of the human body. Some of these parts that are so vital are often not seen nor heard. But without them, we would not function very well. In fact, there are certain parts that are impossible to replace, and in this light, I would like to look upon our community, and give credit to the many organisations that have worked with Government, and have carried on programmes of their own, many times with assistance from Government, in order to make this country what it is today. I thank each one for their support and their prayers and I thank them for their concern. There are times when we wish that perhaps more was being done, but perhaps that can be said of all of us, including Members of this House, that we at times may slip up or overlook very essential things that should be done. But, as with these organisations, I believe that with time and in fact in the very near future, we are going to see more participation and more concern being shown in solving some of the grave problems with which the country is faced today.

Mr. President, I trust that we as a Government may continue to do everything possible to prove to these voluntary organisations that we appreciate and will continue to support the efforts they make in our community for a healthy balance in many areas of our community.

As I mentioned earlier, and supporting what you said, it is a healthy balance between the necessary activities of the Government, and the acceptance of responsibilities by the community and its individual members that will bring together what we need to see brought together for Cayman to become a better place. Although we enjoy much that we can be proud of, we have still not arrived, and there are grave problems out there which much be faced. I continue to stress that in many areas where Members of the Government and even members of the community wish to see programmes put in place for curing some of these ills, my contention has been and continues to be until this day, that preventative measures will do more in the long run than any other measures which we may choose to take in this House.

We have to be alert, we have to be cautious, we have to be brave in many instances. At this time I wish to say that I have not changed one iota from the stand I took when I first sat in this House a little over three years ago, and that is, that we have to recognise the problems which exist, face them, take steps to solve those problems even though at times we may step on the toes of individuals that we do not wish to step on. I will continue during this debate to try to focus our attention on some of these areas that I think require our looking at and our action in trying to solve them in just this fashion.

Mr. President, it has been my opportunity on quite a number of occasions to sit in the Judiciary, in the house of the Courts, and to listen to the many and varied cases that are there. Many long and difficult Court sessions are held, and I pay tribute to each and every Magistrate, Crown Counsel, members of the legal firms who sit in that house and spend so much time trying to offer to this country the kind of judicial system which will show that we have no tolerance for what is evil and what is wrong in our society. In listening to many of these cases, so often they involve young people under the age of 30 years. Not too often do I find many there that are over 30 years of age - those are the odd cases. The complexity of these cases, the number of times that young people are returned for similar offences, leads me to believe that had these young people been touched, had they been under the right guidance and example at an early age, many of the situations in which they find themselves would have been alleviated.

This brings me to the many programmes which are now being embarked upon in our society, and I think that within the sporting organisations especially, there is now a concerted effort to see that the children, particularly in the ten and under age group, can be reached before they get involved in drugs and in other evils which have become a grave problem in our society.

I was heartened to receive a letter just a few days after the opening of the soccer season explaining to Members of Government that the display of posters in large plastic bottles advertising beer which we saw around the Sports Complex at that opening, was not placed there by members of the sporting community, nor were they placed there by members of the George Town Primary School.

When I looked at those, the first impression I got was, on the one hand we are trying to curtail drugs and to discourage young people from using them, and on the other hand, what we are seeing here is a blatant display of such. The Member responsible, the Honourable the First Elected Member of Executive Council, focussed our attention on that during his short speech at that opening ceremony, which prompted the letter we received. If indeed the general public was not aware of it, I am glad to say that I was heartened to know that the sporting organisations had no part to play in those being displayed at the Sports Complex.

As it is all over the world, those people, those companies, those organisations that deal in liquor have a way of getting in to the very depth of any organisation by making many vast contributions into the sporting world. It is still my contention that if it means not accepting any monies from them, this should not be the type of advertising we should find in any sporting activity or in any sports complex in Cayman today.

I congratulate the young men and women who are playing a real part in this, and I know they have a genuine interest in seeing something done, because they recognise that the Cayman of tomorrow will consist of the young people of today.

As I mentioned before, I have seen in the Court recently certain individuals that I knew were of a strong standing in the sporting community of these Islands, and their addiction to hard drugs, in particular alcohol, was the downfall of those fine young men. I have sat in that Court and wondered to myself how on earth we can turn a blind eye to something so detrimental, while we push all our programmes, while we endeavour on the one hand to say we must arrest this problem and we must do something about this destructive force in our community, on the other hand we are, as it were, turning a blind eye when worldwide it is known that alcohol is the chief drug of abuse today?

I must once again remind this Honourable House that we as a Government have to recognise that out there in our communities there are more people who are expecting us to take a stand against it than there are those who expect that we are going to turn a blind eye toward it.

Mr. President, I do not wish to sound repetitious, but this Government must face the fact that serious steps have to be taken in this direction. I congratulate the Honourable Member responsible for Health, Education and Social Services for the many programmes that are now in place. I congratulate him for the effort which he is putting forth in trying to see that we have counsellors, that we have health care and at the hospital we now have a Counselling service which the members of our community can take advantage of. There are now efforts being made to set up at least one Rehabilitation Centre. There are many ways in which we are trying to assist but the community at large, and the Government in particular, must realise that the day has arrived and has long been here when we must recognise an evil for what it is. I do not wish anyone to think or believe that I want any less stringent measures to be taken against cocaine and marijuana, because two wrongs cannot make one right. I wish to re-emphasise here that I seriously doubt, that we are going to make inroads on that particular problem until we have faced the fact that alcohol is an even more serious problem in our society.

Mr. President, there are areas in which we can help. It is my personal opinion and the opinion of many others in our community, that alcohol is available to a much too young generation. Eighteen years of age is, yes, the age when a person can vote but, can one weigh that in the balance against making a judgement as to how well one can manage himself or herself in the use of alcohol? The serious thing about it is that it is legal, and once it is legal there is a tendency to abuse it because one usually is not worried about getting in trouble with the Law. Let me re-emphasise: I do not wish that any effort being made against cocaine or marijuana should be in any way diminished; I do not even dream that Government should take its eyes off that problem. What I am trying to say here is that medical evidence supports the facts, that a young person, an adolescent and a teenager can do as much damage in six months when he abuses alcohol as does an adult in ten years.

It is also a proven fact that those people who have become alcoholics were, in the majority of cases, persons who have been exposed to the use of alcohol from an early age. An adult, an older person, who has gotten over the fling of youth, and gotten over some of the egotistic attitudes of youth, is in a much more capable position to decide how much, what, when, where and how he should be exposed to alcohol. It is my contention that this Government must seriously look at reverting the age when a person can purchase alcoholic beverages to an age higher than 18. Originally in this country it was 21 years of age, and I think that serious thought should be given to moving this age limit up again.

I also, in this debate, must mention that while I do not believe that this particular step would curtail the use of alcohol to any major degree, I believe within myself that it would indicate to the public that we want to take stringent measures, measures that are notable, measures that can be seen within this country that we are saying here in this House that we have to do something about the problem.

Some time back I brought a motion to this House that the sale of liquor on Sundays should be abolished, again reverting to what used to be the situation in this country. If I might, Mr. President, for your benefit and not necessarily for the benefit of the Members of this House who have probably already heard my debate on this - I am sure they did, years ago, on Sundays nobody sold alcoholic beverages - stores were closed, bars were closed, nothing was sold. As you are perhaps aware, we have in this House not too long ago reiterated and set down in our regulations on The Sunday Trading Law that stores which distributed food and other household items would be closed on Sunday, I think except for very essential items such as things which a baby might use, or something like this.

Can anyone in this House or elsewhere justify closing a store on Sunday but allowing a facility which distributes liquor to remain open? Can anyone justify that? I say again, although a Motion which I brought to this House regarding advertising of cigarettes and liquor was passed, I do not count that as a major victory for me in my efforts to curtail these problems. Because you look on many places in Cayman today and the neon signs are there, well lit. So even if Radio Cayman - and I am grateful, I am most grateful, do not get me wrong - small mercies are not overlooked by me - but even if Radio Cayman has refrained from advertising it and there are now no Government billboards on which this can be advertised, have we really made an inroad into this problem when we allow all these neon signs to be blatantly shown all over the country? In the newspaper, on the front page, many times you cannot avoid seeing it as your hand is placed on the lower right hand corner, there is an advertisement for liquor.

These are the areas. Nobody must tell me about suppressing the Press and Freedom of the Press - if we have to live by something, we have to live by it. The only newspaper in this country, or any magazine in this country, has sufficient advertising revenue to collect and does not need to advertise liquor because as far as I am concerned, one might as well put alongside it a sniff of the white powder or a cigarette of ganga. We are allowing exactly the same wrong to be done. We cannot put it in a lesser category - in fact, it is the greatest drug problem that we have in Cayman. Am I so naive as to believe that we are going to wipe it out immediately? No, Mr. President, although we are not to forget that there was a day when somebody had the stupid idea as some might have called it, that you could wipe out the slave trade - and it was thought it could never be done. But somebody had the nerve, the brain and the backbone to continue with it, and believe me, it was a long hazardous journey, but it was abolished.

Mr. President, I am not too naive to believe that we cannot do something about the alcohol situation in Cayman. I am saying that this Government nor none other cannot sit around and worry about a few votes in an Election while on our streets and in our Courts we are faced every day by the individuals that have faced havoc because of this wretched drug.

I am very much involved in the church community and organisations in this country. I visit the schools, I talk with teachers, I try to get as much information as I possibly can and I can confirm that the Christian community in Cayman are expecting this Government to take action on

these issues. So far, in the three and more years we have been here, we have not really attacked this problem as seriously as we ought to attack it. Prevention is better than cure. If a young person has three or four years after High School before he can be permitted to purchase liquor in an establishment, that individual has four years in which to mature, in which to get himself in a position where he not only feels that he does not need it, but he certainly would be in a more capable position of handling himself should he decide that he wants to try it.

MR. PRESIDENT: Would it be convenient to adjourn?

MRS. DAPHNE L. ORRETT: Thank you, Sir.

MR. PRESIDENT: The Honourable the First Official Member, please.

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 4:32 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,
FRIDAY, 19TH FEBRUARY, 1988.

**STATE OPENING AND FIRST MEETING
OF THE 1988 SESSION OF THE
CAYMAN ISLANDS LEGISLATIVE ASSEMBLY**

**FRIDAY, 19TH FEBRUARY, 1988
(FOURTH 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, OBE	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

ABSENT

MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END
------------------	---

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

**STATE OPENING AND FIRST MEETING OF THE
1988 SESSION OF THE LEGISLATIVE ASSEMBLY**

**FRIDAY, 19TH FEBRUARY, 1988
(FOURTH DAY)**

1. PRAYERS

To be read by the Second Elected Member for George Town.

2. QUESTIONS TO HONOURABLE MEMBERS

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

No. 1: Will the Honourable Member give an update regarding the proposed shrimp farming project to be located near the Turtle Farm in West Bay?

3. STATEMENTS BY MEMBERS OF THE GOVERNMENT

**STATEMENT BY THE HONOURABLE THIRD ELECTED MEMBER OF
EXECUTIVE COUNCIL ON THE SAFETY AND STORAGE OF PETROLEUM
PRODUCTS.**

4. GOVERNMENT BUSINESS

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH.

5. ADJOURNMENT

To be moved by the Honourable First Official Member, Leader of Government Business.

TABLE OF CONTENTS

	PAGE
PRAYERS	1
STATEMENTS BY MEMBERS OF THE GOVERNMENT	
Safety and Storage of Petroleum Products	1 - 2
GOVERNMENT BUSINESS	
CONTINUATION OF THE DEBATE ON THE THRONE SPEECH	
Mrs. Daphne L. Orrett	2 - 14
Mr. Linford A. Pierson, JP	14 - 19
ADJOURNMENT	19

FRIDAY

19TH FEBRUARY, 1988

10:00 A.M.

MR. PRESIDENT:

Prayers. The Second Elected Member for George Town.

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, Phillip 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 are resumed. Questions.

QUESTIONS TO HONOURABLE MEMBERS

MR. PRESIDENT:

The Third Elected Member for West Bay is not yet here, so I think that we should defer the question - unless she has deputed someone to ask it. No? The question is therefore deferred.

Item 3 on the Order Paper, Statements.

Council.

The Honourable the Third Elected Member of Executive

STATEMENTS BY MEMBERS OF THE GOVERNMENT

SAFETY AND STORAGE OF PETROLEUM PRODUCTS

HON. CAPT. CHARLES L. KIRKCONNELL:

Mr. President, this statement is made under the provisions of Standing Order 31 and in accordance with the terms of Private Member's Motion No. 19 of 1987.

Private Member's Motion No. 19/87 on Safety and Storage of Petroleum Products was passed in this Honourable House on 18th November, 1987. The Government agreed to appoint a Committee and inform this Honourable House at each subsequent meeting of the steps taken and the development thereon.

The following persons were appointed to the committee on 9th December, 1987:-

The Principal Secretary of Communications, Works and District Administration;
The Principal Secretary, Development and Natural Resources;
Mr. Linford A. Pierson, Second Elected Member for George Town;
Mr. McKeever Bush, Second Elected Member for West Bay;
Mr. Ezzard Miller, Elected Member for North Side; Mr. Athlee Bodden of Home Gas Ltd.;
Mr. James Tibbetts of Texaco Oil Company;
Mr. Gary McTaggart of Esso Oil Company; and
Mr. Kirkland Nixon, Chief Fire Officer.

The Committee held its first meeting on 16th December, 1987.

At that meeting a sub-Committee was formed to deal with the technical aspects and to make recommendations which they considered necessary. The members of the sub-Committee are:

Mr. Kirkland Nixon, Chief Fire Officer;
Mr. Kearney Gomez, Principal Secretary, Development and Natural Resources;
Mr. James Tibbetts, Operating Manager for Texaco Oil Company;
Mr. Athlee Bodden, Manager of Home Gas Limited;
Mr. Gary McTaggart, Manager, Esso Oil Company.

The sub-Committee held two meetings, on 6th and 20th of January, 1988. The sub-Committee's recommendations were presented to the main Committee on 10th February, 1988 and were accepted.

Other recommendations and comments were made by the main Committee and are included in the following recommendations:

Recommendations:

1. That the United States of America's National Fire Protection Association Code on the safety, handling, storage and distribution of petroleum products be used as guidance in formulating the regulations under the Petroleum Handling and Storage Law;
2. That any liquid discharged into the open environment from any facility should not have a petroleum content in excess of 15 parts per million;
3. That the disposal of waste produced from tank cleaning must be subject to approval by the Petroleum Inspectorate as recommended. In the absence of a Petroleum Inspectorate, then by the Chief Environmental Health Officer;
4. That a standard hose and pipe testing schedule be applied to all hoses and pipes used in any petroleum facility;
5. That a petroleum facility should have on site the means to implement immediate response to spillage of petroleum products in quantities up to 1,000 gallons;
6. That a facility should have an effective plan for prompt clean up action in the event of spillage larger than that which can be handled with resources on site. This plan should be approved by and a copy given to the Portfolios who share these responsibilities;
7. That a minimum standard of safety precautions be set for road vehicles used in the transportation of petroleum products;
8. That an independent study be conducted at the Home Gas Limited facility, to identify safety options and costs, and to recommend the options to be adopted;
9. That regulations be made to govern the storage of petroleum products for private personal use;
10. That a Petroleum Products Safety Authority, consisting of five members be established and charged with the responsibility of enforcing the safety standards. This Petroleum Products Safety Authority should consist of the following:

The Chief Fire Officer, or someone designated by him;
Director of the Mosquito Research Control Unit, or someone designated by him;
The Chief Environmental Health Officer or someone designated by him;
Representatives of either Esso or Texaco, to be rotated;
representative of Home Gas Ltd.; and
A representative of the responsible Portfolio as Secretary;
11. That whatever regulations enacted be used as a guidance document for twelve to twenty-four months, to ensure that they are workable before they become law;
12. That the following publications be used as guidance when drafting the safety regulations:
 - a) the National Fire Protection Association;
 - b) the International Safety Guide for Oil Tankers and Terminals;
 - c) Oil Companies International Maritime Forum;
13. On the matter of the identification of a suitable isolated location for the possible future siting of petroleum products facilities, the Committee felt that this matter is a national issue, and therefore cannot make any recommendations on it.

Thank you, Mr. President.

MR. PRESIDENT:

Government Business. Continuation of the debate on the Throne Speech. The Third Elected Member for West Bay.

GOVERNMENT BUSINESS

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President.

To continue with my contribution on the debate of your Throne Speech, I wish to reemphasize to Members and the public at large that further and more serious steps must be taken regarding the liberal laws which now exist in this country regarding the sale and consumption of liquor.

I would shudder to think that we would lose an election in this country because of further tightening of laws regarding this vice. I shudder to think that we would have a majority of our citizens who would take offence to a strong stand being taken on the part of Government on this issue and I would ask that we consider not those who are making the money from the sale of liquor, nor should we ask them what should or should not be done regarding the issue.

We should direct our questions to the wives, sweethearts, mothers, fathers and children, and get their responses. Ask them to explain the merits and demerits in the use of liquor. Sit up with them for one night while a drunken spouse returns home; while a child sits up in bed shaking in fear and trembling while a mother is abused or which child may himself be abused; sit up with a mother who waits longingly to see her son or daughter return home, perhaps staggering, drooling, stinking, stupid and broke - that child, for whom he or she carried such high hopes and dreams. Ask the young man or woman who once was the pride of his or her family, who drew the cheers of the crowd as he played and won with his soccer team; ask the once fine, beautiful young woman who now finds companionship with the outcasts of society; ask the judge who sits and listens to the plight of a young man who stands in front of him to stand trial for an offence which was prompted by his being under the influence of alcohol; ask the social worker who deals with an abused child and, if it is possible to get that child to talk about it, ask the abused child who, but for the grace of God will be scarred for

the rest of his or her lifetime; ask the Ministers of the Gospel who counsel with alcoholics, or the Drugs Counsellor, or the doctor. Ask these. Ask.

This Government must be seen to make its mark in history regarding its stand against this vice. Yes, Mr. President, there are a few out there who would be very unhappy about not liberalising our laws on the sale and consumption of alcohol. And, I think those who would be most unhappy are those who are touched by its effect.

I think that we would find that but for a small minority, this Government would receive the support of the people of the Cayman Islands if we took more stringent steps in our stand against the liberal laws which now exist in this country and make an effort to change some, if not all, of them.

Can we dare wait for someone else or for another Government to take a stand on this? If we do not, who will? Let us stand up and be counted for what we know is right and just for all and I repeat, all, not just a few who might contribute a few hundred or a thousand dollars to an election campaign, nor who, perhaps, might be influential in persuading a few die-hard customers to his establishment to vote for a certain candidate. I know that every vote counts, but may I ask why exactly are we elected to this high office? I must ask why are we here? Can we turn a blind eye to what we realise is an evil which is causing so much heartache, pain and disappointment in our country? As I mentioned, it might not be in my day, but serious steps must and will be taken against our liberal views on this problem. I am reminded of the old Chinese proverb which says; "the longest journey begins but with one step".

If, in my contribution here today, or in any other contribution I may have made in this House regarding this problem, results, or can be seen as but one step in this direction, then I will be happy about the stand I have taken.

The role of a politician, I have often said, is almost like that of a doctor on call. You never know when the telephone is going to ring. You never know when you are going to receive a visit. If you go to a wedding it is politics, if you go to a funeral it is politics, to church it is politics and you just never get away from it. However, this is a decision which each of us made, recognising the responsibilities attached and I doubt that if any of us would dare complain as to the importance of the job, or of the demands that are made of us. But when a person calls at 2:00 o'clock in the morning, or 3:45 a.m., and those calls are related to wife abuse or child abuse by someone under the influence of alcohol, it tells me that we have a situation here which needs to be seriously looked into because if it is only one person that is hurting out there, it would be worth our while to do so. But regretfully I must say Mr. President, that I had no idea before my election to this office that there were so many people out there who are hurting, especially wives and children. In a few odd cases one might find that a husband is suffering from a wife having an alcoholic problem, but that is a very rare case.

There are those out there who we see from day to day and would have no idea of what they are going through. An adult facing this situation is a grave enough problem, but when a child is faced with a problem, it is time that we who are elected to this office, look into the situation in depth.

I grew up in the Pilgrim Holiness Church, what is now known as the Wesleyan Holiness Church in the North West Point area of West Bay. Always, as far back as I can remember, great emphasis was placed on preaching against the use of alcohol and cigarettes long before there were volumes of medical evidence pointing out the dangers of the use of both. I am so glad that these proponents of the gospel had such an influence on my life. I loved and respected them then and I love and respect them now for the stand they take on many issues and I am pleased and proud of all other church groups who choose to stand up and be counted when doing so might not have been the most popular thing to do.

Mr. President, I am not meaning to preach a sermon, but yet realise how important this particular subject is. In the Psalms I was reading only this morning it says that, "day by day the Lord observes the good deeds done by Godly men and gives them eternal rewards. He cares for them when times are hard but evil men shall perish. The steps of a good man are directed by the Lord and he delights in each step they take. If they fall it is not fatal for the Lord holds them with his hand". The Psalmist goes on to say, "I have been young and now I am old, and in all my years I have never seen the Lord forsake a man who loves him, nor have I seen the children of the Godly go hungry". He further goes on to state that, "if you want an eternal home, leave your evil low-down ways and live good lives for the Lord loves justice and fairness". I would exhort all who are out there, addicted and caught up in this evil habit to recognise that there is hope for them.

We have the Drugs Counsellor, and I congratulate the Honourable Member responsible and all others involved for making such stringent efforts in securing this service. I believe that many of our people are going to be helped, this is a step in the right direction, and I am so pleased about it.

There are Ministers out there who are only too willing to counsel and help those who are addicted to drugs and alcohol. Christian friends, even some politicians, or perhaps all, would be happy to give guidance and counselling. Some of us use the excuse that the reason we use alcohol is because we want to have a good time. There is nothing wrong in having a good time, Mr. President. But I beg to differ with that notion, because I can have a good time with lots of fun and laughter and that is very much needed, for the Bible again tells us that, "a merry heart does one good, like a medicine". So whenever I or any of us choose to have a little fun, there is nothing wrong with that, once it is clean wholesome fun. There is also the very stupid idea that you cannot have fun unless you are giving vulgar jokes. I beg to differ with that. Each of us from time to time need to take a little medicine - not every day, nobody needs medicine every minute of the day - but now and again we need a little medicine. Good times, good fun, is good medicine to the human body emotionally, physically, every which way.

The notion that we must use drugs to have a good time is a false notion, in fact it is the same reason why anybody uses drugs. On the one hand, it is either to dim the intellect and the mind from stress or on the other hand it is just the puny notion that one must do it for fun. But all too soon one becomes addicted to it. I have actually spoken with people who said they started out drinking simply having fun with friends. I realise that in the Cayman Islands, as in many islands of the West Indies, this seems to be a problem. In the Cayman Islands, I believe it stemmed from many of our men going to sea perhaps being away from their families, and using alcohol as a means of perhaps dimming the effects of homesickness or whatever - but often times we found that our young men started drinking when they went to sea. They would come back home and they were very much involved in it. It was a very commonplace notion in this country that if a man drank it was fine, a woman must never be seen drinking. But all too soon, we found out that the woman suffered equally because the man suffered from his use of it and the woman and children involved suffered as a result of his using it. So all were caught up in this vicious circle.

Mr. President, the time has come when this country has to recognise that every child is a citizen of tomorrow, and anything, whatever it might be, which in any way would jeopardise their future, must be looked at seriously. This is the reason why I insist that preventative measures are the key to helping to solve this problem, because after one becomes addicted, it is not that easy to get one off of a vice such as alcohol - it is a difficult thing to give up I am told, and I have observed this from time to time in many people that it is a difficult thing even when they say within themselves that they are going to do it. It takes a lot of effort and it is a much easier thing to prevent than to try to cure.

As I mentioned, I did not intend to preach a sermon. But suffice it to say that in every area of our lives there are certain cardinal rules which apply and not even eternity can change what God intended for the human being. We might as well face the facts: the spiritual aspect of our lives, of our Government and of our country is important; and if we should ever overlook this particular area, then the foundation on which we choose to build is weak and our efforts will be seen to be in vain. Even the new Building Code bears out that a strong foundation is a must. As far as I am concerned, the day has long passed when

Members of Government and members who occupy responsible positions in a country can look lightly upon the spiritual aspect of our society. We need to get that in place.

We cannot force our views down anyone's throat but there are certain cardinal rules that apply. We must be seen not to be a Government which can look lightly upon evils such as the liberal laws we now have on our books regarding the sale and consumption of liquor.

Mr. President, moving on, I would like to once again offer my thanks and appreciation to the members of the Judiciary, the courtroom staff who spend long and difficult hours in meeting the demands of a large number of cases heard in the Courts, many of which are complex. I welcome the news regarding the introduction of improved court reporting systems, which can only help in speeding up the process of handling all the work involved.

I also wish to offer my sincere thanks and appreciation to the Commissioner of Police, and all other members of the Royal Cayman Islands Police Force for the fine contribution these officers make in providing the citizens of and visitors to this country with a safe environment in which to live.

I offer special thanks to the United Kingdom contract officers who have so ably contributed to improving the standards within the Force, and I wish God's blessing on each of them and their families as they return home.

The effects of the training programme are surely evident amongst many members of the Force, and the promotion of local police to senior positions. As well, there has been an arrest in the sharp increase of crime we had experienced and even a small reduction in reported crimes, according to your speech Sir. The 77 per cent cleared up or detected rate in reported crimes gives cause for encouragement and it is hoped that private citizens will work along with the Force in helping to bring about an even greater clear-up or detection rate.

Private citizens have to realise that police officers cannot be in every place at one time. Often times vigilance on the part of private citizens can go a long way in helping to take a bite out of crime in this country. After all, we are in this fight together.

Special thanks must also be given to the Special Constabulary for all the assistance they give in striving to keep the Cayman Islands as crime free as any other country in this region.

While it can be observed from the number of cases coming before the Courts that there are still a number of speeders on our roads, it is a source of relief to see that the number of road fatalities has been so greatly reduced. Credit has to be given to the Traffic Department for the part they have played in these results.

Police officers can be proud of their job. A law abiding, efficient police officer is certainly a position which is of great importance to any country. Here in the Cayman Islands I encourage all young men and women who wish to make a fine contribution to their country that in trying to choose a lifelong career, they might also consider the importance of the position of working in the Police Department, and as well, the benefits which may be enjoyed both from the standpoint of personal satisfaction as well as the fringe benefits that are attached.

Members of this Honourable House as well as concerned citizens need to play a part in encouraging fine young citizens to become members of this vital arm of the Civil Service. It is a worthwhile career.

With the rate in growth of our Prison population, we must unhappily also see an increase in the number of demands on the Director of Prisons and his staff. I trust that many of our young citizens will find an interest in filling the vacancies which will arise in this arm of the Service, which again offers a worthwhile and interesting career.

There are many needs in a Prison population, and any young person who chooses a career in this area will find that there will be many ways in which he or she can contribute to the rehabilitation of prison inmates while working there. It is not just a job it is a ministry. I salute the Director and his staff as well as the Christian ministry group from the churches for the part they so ably and sacrificially play in helping to meet these needs of the inmates at Northward Prison.

Mr. President, I need to take time to offer my thanks to the Department of Immigration and the Caymanian Protection Board for their vigilance and timely efforts put forth in meeting the demands of immigration policies in this country. While I recognise that bouquets are not always thrown at their feet, I nevertheless also realise that the interests of all Caymanians must be taken into consideration when decisions are made, and that the policies laid down by this Government must be strictly adhered to, in order that Caymanians first and foremost, do not stand to lose in the long run.

I call upon the citizens of this country to stop long enough to realise that decisions made and actions taken now will affect not only our generation but generations to come. Caution has to be exercised in the granting of work permits, taking into consideration its long-term effects. Patience has to be exercised while Government embarks upon the new policy of temporary immigration for overseas workers. For while we realise that development in this country poses a potential impact on the social and economic life of Cayman, there must also be a healthy balance maintained.

The work of the Caymanian Protection Board and Immigration Officers is not an easy one and the time is long overdue when citizens of this country have to appreciate this fact. On one hand, we are sometimes criticised for being too harsh with our immigration policies and on the other we are constantly reminded that we are allowing too many expatriates to live and work here. Fortunately, there are those who, thankfully, are in the majority, who understand the reasonings by the action taken on the part of the Immigration Department, and in particular, the Caymanian Protection Board.

Mr. President, moving on to Broadcasting, I would like to congratulate the Director and his staff for the very fine programmes they have put together for us and I think in most areas we are offered the best in information, culture, education, religion and entertainment. I congratulate the young man who very ably does most of the short plugs in respect of the evils of drugs, and in respect to the treatment of visitors to the Island - Mr. Allison Ebanks - and I thank him for the emphasis he places in these plugs on the radio. I am thankful for the midday meditation, which is very short, but nevertheless I am grateful for small mercies. I am grateful for the early morning religious spots and I am thankful for the coverage on education and the many other areas which, if I were shut in, would be thankful to listen to the stories and the music for people with varied tastes. I think the radio station is doing a good job.

However, Mr. President, it can get better. Now that we have the dual AM and FM system, I once again would bring to this House the fact that at the hour of the morning when the religious broadcast is heard, a lot of the young people in this country are not listening. At that time some of them are still asleep in bed. We now have a dual system, and I think it would be healthy and beneficial if the religious broadcast could continue until at least 8:30 a.m. when many people who are driving in their cars want to listen to something other than what is usually broadcast in the morning now, and others that might need to listen to something else. We have to reach the greatest number of people in this country with the right message. It boils down to simply that. You cannot fight an evil unless you make an all-out effort to do so.

With the AM and FM stations, in my opinion, it would be quite simple and easy to have a religious broadcast until at least 8:30 in the morning. Not necessarily with preaching, because not too many people like to hear preaching early in the morning, but religious music, religious poetry, or just short messages which can make an impact on the life of somebody who may be leaving home under a lot of stress or going into an office where they are going to have a very tough day. It will gear them up and condition them for what they are going to do during the day.

Mr. President, I strongly suggest that greater emphasis be placed on placing religious broadcasts on the radio at the times when they can be most beneficial to the greatest number of people. In this area I trust the Honourable Member responsible might wish to look into this matter and see what can be done.

The christian community in this country contributes a lot and without their presence here, the salt of the earth of this country would be missing and we would be in a terrible state. We have a generation growing up here which is exposed to every vice and evil culture that can exist. We have to condition their minds, we have to do so in every way possible. I know that nobody would agree with me that everyone wants to hear that particular type of broadcast, maybe till 8:30. But I believe they would fall into the minority and that most people in this country would welcome it. Sometimes even when a person does not want something, (not necessarily forced upon him) but if gradually it can be placed before him where he cannot get rid of seeing or hearing it he will grow to love it. So the few people who might have contentions about a religious broadcast until 8:30 in the morning, I think they will get over that pain in a little while.

Mr. President, life is real. Life is earnest and the grave is not the goal. Dust thou art, to dust return - it was not spoken of the soul - every human being in this country has a soul, and every one is, in one area or another, his brother's keeper. This Government must be seen to be our brother's keeper, and we have to put our emphasis where it needs to be placed.

The lyrics of some of the songs on the radio are quite suggestive. I have no idea how this could be changed or more carefully monitored. But there are certain songs which are quite suggestive. I do not think we need any more suggestions in this day and age, we have as much as we can take otherwise. The radio broadcasts must be seen to cover a wide spectrum, meeting the needs and the tastes of all of our population, but yet I think we can do this, tempered this with caution, and watch carefully the songs that are broadcast on the radio.

I welcome the news that the Government Information Services would be provided with new computer facilities. I welcome the news that they would have additional help with their workload, and I am glad for the way they have been passing on information to the public. Of necessity I realise that much information in Government is of a secret and highly confidential nature. Therefore not everything can be divulged to the public at all times. There are some in our society who say that this Government tends to hold back a lot of information and does not give it out until it is either in the press or on the radio. Only then it is given out in bits and pieces.

Mr. President, I recognise, and I want to be a part of what is going on, do not get me wrong, because I do not want to be sitting in this House and all of a sudden something comes to my attention and I must say, where on earth did this all take place? I do not like that situation existing at all, because I think if I am a part of a government, then I am a part of a government - I am either here or I am not. But on the other hand, I recognise that there are very sensitive issues, many of which - perhaps negotiations are taking place, or for other reasons - must be held strictly confidential. And, having worked in the Civil Service from the bottom grade on up to almost the top, I recognise a lot of the reasoning behind this. So suggesting that this is not an open Government I think is a stigma with which this Government should not be saddled and I think the Government Information Services are doing a fine job in the way in which information is passed on regarding the affairs of this country and in particular, to those overseas who wish to come and invest their money in this country.

While the control of growth in the Civil Service is essential, we nevertheless must recognise, as you so clearly pointed out here, that of necessity, with the introduction of new and necessary programmes, there would be an increase in the size of the Civil Service. It must follow. I congratulate our Civil Servants for the improved and important service they render to this country, to this Government and to the public at large. I trust that their much deserved recent raise in salary and wages will serve as a further boost to improve an already valuable contribution which they now make to these Islands.

I wish well to the person who will fill the new position of Director of Training. I wish him well, as he focuses his attention on in-service training at clerical, supervisory and management levels and the management project which is going to be implemented this year. It is heartening to note that there are now 21 serving officers on courses overseas, and I think it stands as another clear sign that this Government's intention is to move Caymanians up to places of seniority as quickly as possible, but in doing so, they want to ensure that they are capable of handling the positions in which they are placed. I still believe that when expatriates are brought in to the Civil Service, in most, if not all instances, it is done simply because there is no one available to fill that position at that particular time. I think we are going to find ourselves, not in the near future in a position where we will always need to have expatriate staff. We are limited thus far in the number of positions we can fill from within the Islands. And I feel sure that Government's intention is to ensure that no suitably qualified, experienced Civil Servant is in any way removed or kept back from entering into a position of seniority in the Civil Service. I believe it is the aim of this Government to localise as many of those senior positions as possible.

The cost of living in this country as everyone knows is very high. I believe that Government must keep pace with the private sector in ensuring that our Civil Servants are paid equally as well and receive equally as much or as many fringe benefits as many of those in the private sector in order that we may continue to attract them to the service. Because, no matter where we go, the expatriate is usually here for but a short period of time and we need to bear this in mind that our local Caymanians must be given preference and placed in positions of seniority when they are capable of doing so. For this reason I think that the raise in salary is a very vital and important step, as well as the fact that serving officers continue to be sent overseas for more training.

Mr. President, the retirement of Sir John Summerfield was also mentioned in your speech, and I am grateful that you did so. I think this gentleman gave a long and valuable service to this country and I wish for the new Chief Justice a most pleasant and happy stay with us. I recognise if his job is anything like Sir John's, he has a lot ahead of him to accomplish. But I feel sure that his expertise, tempered with good common sense, will see him through many tough places in the days ahead. I welcome him here. I take this opportunity of expressing my thanks to those officers who will be retiring this year: Mrs. Marcia Bodden, Mr. Moncreiffe and Mr. Sammy Jackson, from their places in the Civil Service, giving over 68 years of service between them to this country. That is a record to be proud of. I feel they have made a fine contribution to this country. I am pleased that amongst them there is a woman who has held a senior management position for years at one of the most important revenue producing arms of the Government. I congratulate them and wish them a fine retirement but also hope that they will still be able to contribute much to this country in any other areas which they, at their leisure, might be able to assist in after their retirement.

Mr. President, it was my distinct pleasure to have been able to work with Mr. Fitzroy Kelly, the Auditor General, while serving as a member of the Public Accounts Committee. Not only did I find him very knowledgeable and efficient, but a pleasant individual to work with. I stood to learn much from being able to serve on that particular Committee with Mr. Kelly. In speaking to him, he tells me it is time to go, he has lots of things ahead which he and his wife would like to accomplish. I trust that both of them will find the future bright as they leave these Islands and that they will recognise they have friends to return to at any time they wish to do so.

Continuing with Finance and Development. I can only anticipate further sound financial management by that Department. The Financial Secretary and his staff will no doubt continue to have prudent policies in place and the Economic Development Unit which is being proposed, I am sure, will be an added welcomed service because the demands on the Financial Secretary, as all of us know, continue to increase.

Mr. President, the citizens of this country and even sometimes

the Members of Government, I believe have a tendency to overlook the responsible positions which are held by many in the Civil Service. The financial stability we have enjoyed and continue to enjoy, I believe in no small way stems also from the prudence and the sound experience of the members of the Department of Finance. I realise that they have a lot to monitor, a lot to look after and I think the step which has been taken to place a budget controlling officer in each of most of the Government departments was a wise move to make. I think that this will relieve a lot of pressure being placed on members directly within the Department of Finance and I look forward to hearing and learning of improved standards in each of the departments as this new step is taken and these new budget controlling officers have gotten down into the work allocated to them within the department.

We note that it seems to be a very industrious year ahead for Finance and I think that just for the last several weeks into the new year, we have already become aware of this. I trust that each of us will recognise the fine contribution being made and especially that members of the public and we in Government will have patience, as these new officers strive to get into the work that is allocated to them within the particular department.

Mr. President, although it is not a large arm of Government, I wish to offer my thanks to the Currency Board for the fine job they are doing. It is a necessary and important arm of Government. I want to offer my congratulations to them for what they are doing and to say that I think the new \$50 note is attractive and it will serve a much better purpose than the \$40 note did. I am sure that the present Financial Secretary's signature being immortalised thereon is another plus for him and I congratulate him that this was done while he was there. Of course, I look forward to his continuing to be in that Department for a long while, and thank him for all that he is doing to see that the finances of this Government are held carefully in place and monitored under very strict terms.

As with everything else, the growth in our Island will require the computerisation system to be expanded and I believe that Government's decision to embark on building a facility to house the computer centre is a wise move. I believe they were already stretched to the limit in the particular location they are at now. I think Government's embarking on the construction of this during this year is in no way being done too early. It is a timely move and I am sure that the computer staff look forward to being housed in larger and more satisfactory facilities in the near future.

Mr. President, on the subject of customs duties, I still would like to bring to the attention of the House that I believe many times at the airport there is a lot of revenue lost because a lot of people shop overseas. Some people are not totally honest and I believe that more stringent rules and regulations should be in place regarding collection of revenue on personal items which are brought in from overseas. I know that there are many people who declare what they have bought and pay duties thereon, but in many other instances, I think that there might be situations where a lot of revenue is lost at the airport. I have also heard of instances when people will come through, they will declare that they have brought so much in and their suitcases are packed with brand new clothes and other personal items. I am hoping that somehow we might come up with a solution where we might be able to tackle this problem and at least partially solve it.

On the other hand, I also believe that random checking of passengers' belongings is a step which should be taken - certainly it is a matter which should be looked into quite soon. I still contend that at the airport when luggage is brought in from the airplanes, that sniffer dogs should be at that airport, simply to be in the area where the luggage is to be picked up to ensure that in no way is there a possibility of drugs coming into this country. I am not sure whether simply looking into a suitcase is always the best means by which you can determine if drugs are not coming through in the luggage at the airport. If we are going to have sniffer dogs, then I believe they should be used to the fullest capacity and at the airport, if this were done, it would be another means of ensuring that drugs do not come in through that particular facility.

I believe that at the docks and at the airport, in both places random checking and sniffer dogs would have a positive effect on curtailing some of the flow of drug traffic in the country. I think that every time I arrive there, there are times when the luggage is checked, and from all appearances everything has been done, but we hear so much of false bottoms in suitcases and we hear a lot of other things. I believe that sometimes when we have a lot of people coming through the airport, there might be a tendency to be a bit hurried, and in some cases, drugs could come through there rather easily. I think it would put quite a fear in the heart of someone if they recognised that a sniffer dog was there, or if it could be their luggage that is checked every inch and in every avenue and every way in which it is possible to check through luggage, whether it is in the pockets of clothes, or whatever.

If a person has that fear that it would be this thoroughly checked, I believe it would put a fear in everyone's heart not to dare come through the airport with any drugs whatsoever. But at the present time, I do not see the Customs Officers going through pockets or necessarily tiny little spots in the suitcase all the time, and as I stand there and observe this, I wonder to myself if it is possible that at certain times drugs might be coming into this country unawares by officers in the Customs Department. I am not in any way thinking that they are not doing a good job, but often times there are little spaces there which are not seen, but I believe a sniffer dog would be able to pick it up. I would like to see this particular precautionary measure introduced at the airport.

Briefly I would like to say that I am glad that the fears and speculation and many times opposition regarding the Mutual Legal Assistance Treaty have been fully dispelled - fully dispelled. I am glad to use that term. There is continual growth of companies on the Register. We had 18 per cent more new companies in 1987 than in 1986. Revenue collection aided by a fully computerised Register, was over \$7 million. This is a vote of confidence indeed, Mr. President, as you have so rightly said, in encouraging clean business.

While the reputation of other countries in the western hemisphere is being torn to bits because of their alleged connections with drug dealers and other unlawful business dealings, this country took a step to clear up its reputation. In so doing, the end results were exactly what we expected, that what you sow you will reap. We not only have more business, but we have business in these Islands of which we can be proud, and on the other side of the coin, those people who are investing in this country feel good about having their money invested in a country which endeavours to maintain such a clean reputation and image in the financial world. It has only just begun and I believe that the Mutual Legal Assistance Treaty, although it took many hard, long hours, especially by Members of Executive Council and other senior members of our society who played a part in the negotiation of this Treaty, I am sure that they feel rewarded in the job that was done. As a Member of this Government, I feel pleased and proud that I was a part of this whole process and look forward to sharing in all the benefits this country will derive therefrom.

MR. PRESIDENT: I wonder would it be convenient for you to take a break there?

MRS. DAPHNE L. ORRETT: Yes, Mr. President.

MR. PRESIDENT: Proceedings are suspended for fifteen minutes.

AT 11:16 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:37 A.M.

MR. PRESIDENT:
Bay.

Proceedings are resumed. The Third Elected Member for West

MRS. DAPHNE L. ORRETT:

To continue, Mr. President.

Following the passing of the Merchant Shipping Law last year, Government is now in the process of appointing officers to form the nucleus of a Maritime Inspectorate. As I am sure all the Members of this Government are, I too look forward to our own qualified and experienced Caymanians filling key positions in what is a traditional area of employment for them.

Turning to Banking, I wish to express here my thanks to the Banking Association for the support they have given to this Government and very recently for co-hosting the lovely garden party that was held at Government House for the visiting members of the World Business Council. It afforded Members of the Government and members of the business community to meet with and share our thoughts and views with these individuals. I believe all of this will result in further business being generated for these Islands.

Allaying any fears we might have had regarding insurance business moving from Cayman a short time ago, which followed when special tax concessions were being offered by another country, last year saw 61 new applications for insurance licences, 56 of which were issued. We note that the local industry received favourably, the minor amendments on the Insurance Law which were passed last year, and again we are reminded that signs of confidence in this Government are strong.

I congratulate the Honourable Attorney General and his staff for the excellent job they perform for this country. I listen to and observe their heavy commitments in the Courts where members of the Legal Department handle their responsibilities well. As there are no signs that criminal prosecutions will decrease during 1988, I am pleased to note that additional staff are being trained and recruited to cope with the workload. I congratulate those who have recently been promoted, and I could not at this time help but offer grateful thanks to the legal draughtsman whose workload has continually been heavy in keeping up with necessary new and revised legislation passed in this House.

The Law School continues to thrive, and if recent graduates of that School are any indication of what we can expect, I believe that the Law School will prove in the long run that it is one of Government's best decisions which was to start and to continue in giving all the support we can to that particular School.

While I recognise that Government is keeping pace with the health needs of our country, I am also aware that it is Government's intention to build and provide a new hospital with modern facilities in the not too distant future, then there has to be a careful look into how much we can afford to spend now so as not to duplicate our efforts with few results. I would at this time wish to state that although criticisms might be levied at the health services in this country, I for one, continue to see vital improvements being made in just about every area of the health services in this country. We have been moving as fast as we possibly could. It is not possible to have everything at one time. But at the same time, essential services have been provided.

Mr. President, there are improvements, first and foremost, in the 24 hour service offered. There are more specialists available and more doctors on call. I definitely notice a more positive attitude amongst staff when I am there. I observe this not only from the attention given to me, I am speaking of the attention I see offered to others. There are longer hours for the Pharmacy, longer hours for X-Ray and Laboratory technicians to work. There is a definite improvement in the Physiotherapy Department. I believe that there is still a shortage in some essential pieces of equipment for that department, but I believe that this too will be in place before long.

It is hoped that careful monitoring of health care amongst school children will continue. I have had occasion sometimes to see children that strike me as being undernourished and a definite lack of proper nutrition is evident. These are only but a very few cases but I would call upon teachers, in particular, to monitor the children at school who perhaps may not be getting proper nutritious meals at home and if this is evident, then perhaps it can be brought to the attention of those responsible, so that every child in this country is exposed to nutritious meals and is in possession of a healthy body.

Mr. President, as I mentioned in an earlier session of the House, the putting in place of concrete plans for our health care needs for the future must be done now. I still contend that the major expense on which we are about to embark regarding our roads programme, for example, might somehow have been greatly diminished if ten or twelve years ago some thought had been given on what the needs of this country would be at this particular time. I believe we can learn from these lessons, and I trust that the health care facilities in this country are going to be carefully monitored. I am pleased to note that a study is now being undertaken to assess the number of hospital beds necessary for, say, the next 15 years, and that specific programme needs for the new hospital as well as health care delivery in general, is being studied.

As I mentioned, in the meantime essential improvements to the facilities at the hospital are being maintained at an acceptable level of services. But to go along with ad hoc building here and there when Government is planning to embark on building a complete new facility, as I would once again mention, seems to be simply doubling our efforts in this regard.

The hospital has been made more attractive, more comfortable, there are more rooms in which doctors can work. There is definitely a much more clean and attractive look, both inside and outside. As I mentioned, the morale of staff seems to have been boosted so much, I believe that even in the areas of billing and in the financial section of the hospital, there is definite improvement and the Public Accounts Committee noticed that there was a definite improvement in this area, even following our last report.

I congratulate the members of the hospital staff. It is not an easy role to play. No one hears or sees in the newspaper on the front page how many patients were seen or how many near death situations were taken care of. How many times the ambulance was called and was on the scene in the matter of a very short time. We do not hear of how many times patients go up there and find that the health care they receive there is equally as good as any they would find in a foreign country. We do not hear a lot about it, but it is done. Usually what we do hear is if somebody goes up there and something goes wrong, or something is not done as quickly as they would have hoped, then the entire service is belittled, ridiculed and condemned. Having lived in a foreign country for some time, it is my opinion that the health care facilities in this country are on a par with most developing countries in the western hemisphere today. I am aware that we lack certain essential facilities. But even in large countries like the United States, you will find that specialist care is had in certain hospitals. If there is a severe case of burning, there is a special hospital in the region, centrally located, to which people from other areas are taken. If there are those who are suffering from a broken neck or a back injury, there are certain hospitals which specialise in these cases and people are flown in or taken to this central location.

Here in Cayman often we find ourselves having to be sent overseas because the specialist treatment or the equipment is not available in this country. The people of these Islands must recognise that it is not necessarily a lack in the expertise or in the performance of the doctors why this is not available, it is just not available in every hospital in every country that one finds. These are specialised cases, and in Cayman we find ourselves in this situation often and there is a tendency for the service to be belittled and to be considered inadequate because of these particular cases having to be sent overseas.

I have often stood up for the reputation of the hospital, and I have done so, knowing that this was based on the findings I personally had of the hospital and its services. There are times when there are slipups, there are times when I believe there may be a lack on the part of certain doctors here or there but these are isolated cases. I think on the whole we have a very good health service, and one for which we can be very thankful. I have lived in places where I have walked into a hospital with my child's leg split open at the knee, bone exposed, and I sat there for one hour in a major hospital in New York City. I had to ask the nurse if anyone remembered that I was there. She simply said, "Oh, we will get to you. I waited there for over an hour. Believe me, if I had done it in this hospital, I may have had the impression that these people were careless or indifferent.

There are many instances in the United States when things happen through careless actions on the part of doctors. We never hear of it. But the simplest thing that happens in Cayman, it becomes public knowledge, and I think this is the reason why many of our Caymanian people sometimes take for granted the services at the hospital. They think if they get on a plane and go to Florida and see any doctor there, they are in better hands than being here. As I mentioned, I have no qualms but that we have amongst some of the best available at the hospital and simply going to Miami or Tampa or anywhere else and seeing a doctor does not necessarily ensure that you are going to get better health care. It may cost a lot more, but that does not mean that you are getting a lot better service.

Are there not instances when doctors here will refer patients overseas? Of course. It happens in many cases when they feel it is a situation which cannot be handled locally. I feel that we need, more often than has been done, to recognise and appreciate the services that are offered, both at the Hospital and at the Dental Care Unit.

The National Drug Council, as I mentioned earlier on, is a welcome addition to the health care services provided. The full time psychiatrist is here, another indication that the Portfolio is doing its job. Planning for residential care for the chronically disabled is to be completed. The surveillance and monitoring of AIDS will be strengthened, and educational activities continued and it is Government's intention for more staff resources to be applied to the programme.

It is my hope that proper monitoring of those who come to work in our country is done because this is a very serious problem and we cannot take chances in allowing people to come into this country and work without proper medical records which, in my opinion, should also include a certificate which clearly states or indicates that he or she has no symptoms of AIDS.

The Physiotherapy Department as I mentioned earlier, is now fully staffed. I had occasion to be in there - It has a very friendly and personable group of people working there. I welcome the new members of staff at the hospital and I wish them well while they are here. The trained nutritionist can only help to provide greater and better services in our community. I hope that while educating the public in the schools and through the media, as well as in the clinics, that school children and other people who are undernourished in this country may be brought to their attention and these problems taken care of.

I am pleased to see too, that the Prison Service has been provided with a nurse - and I would venture to say here that those inmates at Northward, in many instances, although I hate to know that they have to go there - many of them are better cared for in that facility than they are outside. This Government can be seen to not overlook any segment of our society, even those who have to be placed in Northward. It cannot be said that this is a Government that does not care and I wish to congratulate the Member responsible for the strong and important steps he has taken to improve health care for all in this country.

I will not dwell on education too long, because many people have touched on it, and I am sure they will continue to do so. But I am thankful for the many areas of improvement we have seen. We have just celebrated one hundred years of public education in Cayman. I was pleased to be able to participate in the celebrations. I felt that the week long activities served to remind us of where we had come from, where we are at and help us to focus our attention more keenly on where we are going.

Mr. President, while you mentioned in your speech that physical and academic needs over the next five years are to be carefully monitored, I would express a concern here that in the selection of teachers their background, as far as their affiliation with the Church or their spiritual commitments might be carefully monitored, because while we wish to see them excel in their academic field and we want to see them excel in their physical activities, when a student is turned out of a school, he becomes an integral part of our society. We want to know that we have the best citizens in the country out there.

Children spend more time, sometimes with teachers, than they do even with parents. Years ago teachers were of a special breed. Their job was not necessarily for the financial rewards and they offered to the child deep spiritual and moral examples. I call upon Government and the Education Department to carefully select the teachers who are brought to our schools and that the criteria by which they are selected are not only academic but that their spiritual or religious background is carefully weighed in any decision that is made.

I want to pay tribute to the number of private Christian schools in this country. I know that Government has done a lot to support them financially, but often there is a lack of necessary equipment, often their teachers are paid a lot less than are Government teachers and yet they are contributing equally as much to this country. I believe that Government need to monitor what private schools do in this country. I also believe that it is time that Government should take a second look at how much more they could contribute financially in providing necessary equipments, whether it be computers, sporting equipment, assistance in making sporting areas more conducive for good sports because many times the lack is not a desire to excel, but it is a financial lack. If these schools are to be encouraged to turn out the best, then I believe that Government's assistance in these vital areas might be given. Most of these schools are church affiliated, I think all of them are. And, while the churches support them to a large degree, since tuition does not cover nearly all the expense involved, I believe that since they are contributing to the citizens of this country, that Government in some way might be able to further inject funds so as to enable them - not necessarily in the form of a loan, but as I mentioned, equipment and certain other things.

I know that Government can monitor them because if a school is not living up to top standards of education for the country, then I think perhaps that school will suffer for lack of Government's assistance in helping them to provide what is needed. I feel that when it can be seen that a school is endeavouring to give of its best to its students, Government should step in and assist somewhat more readily even more than we have in the past. As I said, I know that Government has provided loans and in other areas has helped but I believe that these private schools make a great contribution to this country, many of our finest citizens are graduated therefrom, and we need to take a second look at how much more we can do for them to improve both upon their facilities and otherwise.

Yes, Mr. President, more emphasis needs to be placed on career guidance and productive scholastic discipline. I believe in most cases teachers are dedicated - I do not believe there are too many areas where teachers are not dedicated, and do not have the interest of students at heart. However, Mr. President, there are a few cases in which I believe mistakes have been made, and perhaps short-sightedness exercised in some cases. I know that this was in the press. But certain situations which have existed at the schools, and in this particular instance at the High School, a minor situation which could have been alleviated was a situation about who wears what colour sweater in school.

When teachers come to this country they have to recognise that this is a different environment, and this situation to me is an indication that sometimes, I believe, teachers tend to push upon students in the Cayman Islands certain standards or certain infringements that necessarily do not apply to us. In this country we get six or ten days of cool weather when you might need a sweater. You may not use it

ever again in your life. So if you walked in there with a black or red or purple sweater - I do not think that things like this should cause friction. Discipline, in my opinion, does not extend to areas like this. In a country where you need this type of clothing all the time, yes, it should form a part of the uniform, but not in the Cayman Islands. This is too insignificant. Things like this should not cause a problem amongst parents, students and teachers. I think that this type of attitude on the part of any administration at a school needs to be more clearly examined.

Not perhaps having an opportunity to mention it again, I must once again reiterate that I believe at the schools every child must be considered as an individual, separate and apart with his or her own life to live. The criteria for graduation at the High School and participating in the graduation ceremony must be monitored carefully. In addition, it must be seen that what is done is not done for self gratification or to please the teacher, but it is done in the interest of the child. Once again, I must state that discipline is not what you do to a child, but what you do for him. And unless a child's pattern of behaviour indicates that he should not participate in a graduation ceremony, then he or she must have an opportunity of being a part of that very important milestone in their life, for which they have worked 14 or 15 years. I do not look upon it as a situation to be thought of lightly. Because in the mind of the child, he has been refused or deprived of the opportunity to participate in something to which he has looked forward for years. I trust the administration of the school and the Portfolio has this in place before the next graduation ceremony comes around. I hope that those children who have had to suffer what in my opinion is an injustice, because of this will serve as a clear example to those responsible that you cannot glibly, lightly, deprive a child of what is his or her right.

Mr. President, how true it is that the high school will be dependent on the standards set and the foundation laid in the Primary and Middle School. That is why in a graduation ceremony at a primary school or at the Middle school, I realise that what we are seeing there is an example of what we can expect from the High School. I believe that Government is right in placing strong emphasis on the calibre of teachers available in primary schools and it is a joy to watch them, especially those at the school in West Bay which is the one I am most concerned with. It is a joy to see the interest which is taken in the children and the way in which they are developing in the different areas of their lives.

I congratulate Government for its endeavours to complete a Social Studies text for primary schools based on the history and geography of the Cayman Islands. This has long been needed, and I welcome it to the schools. I am sure that adults will find this very important and interesting to them just as the students will.

Mr. President, we dare not forget our past. If we do we might make great mistakes in the future. Cayman has a proud history and the children of today need to know about it.

I welcome the new facilities for the Community College. I regret sometimes that I did not take more time to deal with this subject when the Law in respect of the Community College was passed last year. But believe me, I have not overlooked the importance of this facility, not only for the continuing education of graduates from our high schools, but also for the adults in our community who wish to further their education. This facility has provided a means of them doing just that. I have known of individuals in their 30's and 40's who have gone in there, they have continued to further their education and now fill very responsible roles both in Government and in the private sector. I look forward to this College going from strength to strength.

The draft of the Juveniles Law has been completed. I welcome the news and I welcome the news of a Juvenile Rehabilitation Centre being built. I am so happy that Government did not embark upon building some slipshod facility for the needy children of this country. I am so glad that in Government's plans they saw fit to give the children of this country who need help and care in a juvenile rehabilitation centre, the type of facility which they would be proud to call home.

We are not merely providing a shelter, we are providing a home environment. Thus, I am so pleased that Government's plans include a facility of which this Government and country can be proud and from which we look forward to seeing children grow up into fine responsible citizens in this country.

The Juveniles Law - I am looking forward to its presentation to this Honourable House. It is not coming one day too soon. I trust that included in that Law there will be strict regulations and stringent measures to be taken regarding child abuse and neglect in this country. We do not wish to have a major problem before we try to do something about it. But as was discussed on the radio some weeks ago, child abuse does exist in the Cayman Islands. Much of it stems from abusive fathers who are addicted to alcohol or other drugs. Much of it stems from a frustrated mother who is overworked, physically abused or mentally abused or neglected, who in turn takes out her frustrations on her children. Many of the times children are abused because they are left by a young mother with an older person who has neither the time nor patience to cope and the child lives under such a situation. This cannot make for a good citizen. It is only the grace of God that can save a child who is exposed to this kind of abuse.

I trust that the Juveniles Law is going to be looking seriously into this problem with a view to stringent measures being taken for those who dare to abuse a child and to be punished suitably for it. It has to be seen. Taking a child out of a home is one way of doing it but, can one imagine a child being abused and then he or she having to be pulled away from that home, in addition to being abused, they now lack the care, the protection, the company and companionship of a mother, because of an abusive father? Sometimes mentally, emotionally, many times physically, sometimes even sexually abused. Mr. President, this must not be in this society.

In a larger much more populated society, perhaps there are times when it is overlooked and it is difficult to pinpoint. But in the Cayman Islands if any such situation exists it must be addressed and the culprit punished accordingly. If there is a problem, as far as I am concerned, it were better that that home be deprived of a breadwinner than it would be to have a father or a man in there, who sexually, physically or continually emotionally abuses his children. He needs to be behind bars. Because what he is doing is destroying a human being, in some cases a number of human beings, who have no responsibility for being in this world. If he cannot cope with the responsibilities of children, then he must be taken from the home and not the child.

The children in this country must be afforded the best environment possible in order to adjust and to grow into adult life and to be the type of citizens Cayman so rightly deserves. We owe it to our children, and I hope that this Juveniles Law is going to address this forcefully and carefully, because child abuse in the Cayman Islands cannot be allowed to get out of hand. So, although the cases may not be monumental at this time, even if there is one, let us address it and handle the situation as we ought to.

In this country - I hate to have to say this - but there has been a tendency at times for women and children to be thought of as property, to do with as one wishes. There are cases where a man would not dare go out and fight somebody his size, but he will abuse his wife and his own children. This cannot be so. A woman is made to be loved, cherished and looked after. As far as I am concerned, she should not even be spoken to disrespectfully. I know in some cases there are women who, believe me, are difficult to live with, but they are not in the majority and many times the reason they are difficult to live with is because they are responding to the frustrations they are experiencing in the home. How many women can cope with a man who works, spends his money, uses drugs, has two or three women on the side, and his children at the end of the week have so little to look forward to? Mr. President, this would frustrate the best of us. But fortunately there are a few who can cope.

The men in Cayman today who look upon a wife or a child as a piece of property that he can do with whatever he wishes must come to the realisation that God has given him a helpmate, has blessed him with children and it is the only thing in this world that he can hold on to and call his own.

It should be what he regards as his most priceless possession. Time and effort spent with a child is not only rewarding to the child it is rewarding to the parent not only at the time it is happening, but in later years when one looks back and recognises that I have given my best to my children. It is one of the greatest rewards that a parent can have. Children in this country must be looked after. If there are men who insist and persist in abusing them, they must stand and face the punishment they deserve for so doing.

Give a child a chance and you have got a citizen that you can be proud of for the future. But when a child has been hurt, when a child has been deprived of that his foundation can crumble so easily because he grows up with the attitude that if you cannot trust your own parents who can you trust. I am so pleased that I had the parents who took time with me. If I do not know anything else in life, I know what it means to be loved by parents. I am grateful. In this country I hope this Juveniles Law will suitably address this problem.

The very strained, overworked Social Services Department comes about as a result of many of the same problems which I have just expressed here, and I hope that this Juveniles Law will assist them greatly in helping to meet the needs they have to meet and the services they have to offer and will realise that while doing their work which is hard, many times there are ungrateful people to be dealt with. But when they can help to ensure that a child receives the best in care and attention, that in itself is reward.

I wish to offer my thanks to the many people who assist in the Caring Homes, at the Sunrise Centre, at the Lighthouse School, the Pines and the Caring Home at East End. They are doing a very worthwhile job which sometimes is not the most attractive. Not the most attractive for many reasons as far as a life long vocation is concerned, but visiting at the Pines one sees Mrs. Miller, Mrs. Alexander and the Caring Home supervisors, the nurses, kitchen and housekeeping staff, everyone seem to take so much time and attention with the residents there.

You can see the results of the Lighthouse School and the Sunrise Centre. As I mentioned earlier, the Honourable First Elected Member, Mr. Shepherd and others who were so influential in starting that Lighthouse School, have seen only a part of their rewards, because these children who for years would only be locked away in a home, never to participate in anything, never to grow to their greatest potential - they are now given an opportunity even to where, I notice, that Special Olympics are planned.

Mr. President, I congratulate the people involved in these essential services and I congratulate the Honourable Member and his Portfolio for all that they are doing to see that these services that are offered are of the best. We are not talking about second rate services, I am talking about the handicapped and mentally retarded people in this country being given an opportunity to be the best they can be.

The Public Library is well stocked, well maintained and I notice that a lot of people make use of it, especially the students in the afternoons. I want to express my thanks to those who take such a keen interest in maintaining this very worthwhile facility, so that vital information, statistics and whatever is necessary is on hand for those who need it. It forms a vital part of any community.

Sports in this country are going to do a lot to alleviate some of our problems, especially if we can reach the 10 or 12 and under age group. In being invited to the opening of the soccer season recently, I felt so blessed and pleased when I looked upon the young men who stood on those teams and I felt good in my very soul. I thought to myself that there are many young people who are not hooked by drugs, many of them who in turn cannot only be an example, but they can help to pull the young ones up with them and show them exactly where to go. I am grateful for all those young men who are involved in our sporting activities and who are trying their best to lead and guide these young people in the right direction. The sporting activities in this country have now become a vital arm in helping to curtail drugs and in helping to keep young people off the streets with their energies directed in the right direction.

Mr. President, this might be a good time to adjourn, Sir.

MR. PRESIDENT:

There are at least another ten or twelve minutes to go.

(PAUSE)

hours is completed.

I am sorry, that is until lunch - I do not mean until your four

MRS. DAPHNE L. ORRETT:

Thank you.

Mr. President, sports is coming of age in Cayman. We have some of the best. They are involved in many areas. I noticed that in the Winter Olympics this year Jamaica had a team - and I think they started practising only some several months ago - but their standing in the finals was not at the bottom at all - so maybe we might even find somebody from Cayman or some young people from Cayman participating in something as far from our climate here as the Winter Olympics. I believe if they got the opportunity they could do it.

Sports has to be recognised as a very important arm. This year, when so much emphasis is being placed on sports, I hope that every citizen in Cayman who can move an arm or a leg will somehow be involved in this particular activity. It is a great thing to be involved in.

I can think now of a lady who is in her mid-sixties, and some months earlier last year she had gotten in a situation where she could hardly walk. In fact, she ended up having to use a walking stick, then she graduated to a walker and finally she got so that she did not know how she would manage, she could hardly move her legs. But, in visiting a doctor in Florida, one of two things were suggested to her: surgery on her knees or getting involved in activities such as swimming. This lady started swimming and in three months she had dropped the walker and was back to the stick. In less than six weeks after that she could walk without anything. Seeing the particular person I am speaking of today, one would hardly think that she had a problem in trying to get around. But she got involved in water aerobics, she got involved in this for several months with friends and now you cannot keep her out of the pool.

Exercise helps, Mr. President. As all of us know, it is now determined that a person is at a much greater risk of heart attack if he or she is not physically involved to a certain degree. It behooves each of us to realise that this body that God gave us is ours until we die. Whatever it takes to maintain it and to keep it in good condition until we leave this world, must be done. So I hope that Government's efforts to educate the public on the value of good sporting activities will be well received by all age groups throughout this Island during this year.

We are involved in many things for 1988: the hosting of the Caribbean Netball Championships is a first. To be taking part in the Olympics in Korea is something we can be proud of and I look forward to our young men doing well. Again, being a part of Carifta Games in Jamaica - there is so much going on, and it is all for the good of this country because when a young person's energies are channelled in the right direction, he has no time to get into trouble. An idle mind and body is the only one which the devil can find to use for his evil causes. A person who is involved and exerts his energies in doing something that is healthy and wholesome cannot get into problems. He or she is much too involved in what they are doing. It is difficult for an individual like that to get into problems.

I noticed that there is a demand for more facilities at the Sports Complex on Walkers Road. While I welcome the news that this is being considered, I think that this country has now reached the stage where careful consideration must be given for each district to have a well planned sporting facility. I know that in West Bay right now, the West Bay Heritage Week Committee, other sports-minded Committees in that district and the representatives from that district together with other private citizens, are

recognising that we need to get in place a fine modern sports facility in that district. I hope that we will have a facility where from the youngest to the oldest can participate. As I mentioned earlier, prevention is the key to eliminating a lot of our problems and if we can have facilities where our young people and youth can find a place to exert their energies we are going to be able to conquer a lot of the evils that are amongst us.

We have a situation in Cayman where mothers and fathers are working and many times children leave school and go home with no adult supervision. If proper sporting facilities are provided, I believe we might be able to do something about this particular problem because the children could, in each district, go to these facilities, be properly supervised, and be involved in something wholesome until parents are home from work. Either that or there should be certain facilities where children under a certain age following their return home from school, can be housed at a day care facility or some other place where they are well supervised. I believe that many of the problems that young children are faced with today, they get into these problems during that period of time between when they leave school and their parents returning home when they are exposed to all types of problems being on their own.

We cannot get these sporting complexes in place too soon, and as far as I am concerned, I think it should be a priority for the Government. The Heritage Week Committee I thought was involved in contributing funds to the sporting field, but the Progressive Youth Club and the football teams, together with the Second Elected Member and the monies donated by Government and the private sector seem to be those who are most closely associated with seeing this progress. However, as I mentioned, it is necessary that we see the need for it and I look forward to the district of West Bay and every other district in this Island having a facility that is maintained for the use of the young people in helping to alleviate their becoming involved in habits which are unwholesome and unhealthy.

MR. PRESIDENT: Is that a convenient moment for you to break?

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

MR. PRESIDENT: Proceedings are suspended until 2:15 p.m.

AT 12:42 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:17 P.M.

MR. PRESIDENT: Proceedings of the House are resumed. The Third Elected Member for West Bay, continuing.

MRS. DAPHNE L. ORRETT: Continuing, Mr. President, with the debate on the Throne Speech, I now turn to Natural Resources.

I would like to take the opportunity to express my thanks to the members of the public who have gone along with the Marine Conservation Law and have worked with Government in seeing the results of this law coming into effect - that of a positive one. I have been pleased to hear from a number of visitors to the Island, as well as a cross-section of the local community that they are experiencing a definite increase in marine life in our waters. I am thankful that these results are so soon evident, because what we have endeavoured to do here is simply to maintain a strict standard of marine conservation which will ensure not only that we enjoy our natural resources, but that our children and theirs will have an opportunity of doing the same.

For years members of this community regarded swamps and other wet lands, basically, as wasted space. However, although it might have been thought earlier on that these spaces would have been better suited for conversion to building sites, or used in some other way, I think that the Caymanian public is beginning to realise that we need our swamps, we need our natural resources. They are important for animal and bird life, for a blunt against the destructive forces of storms and hurricanes and we need to ensure that a certain amount of our natural areas in this country are preserved in order that we can still save a small but reasonably complete representation of our natural heritage.

The National Trust has been set up, and we offer grateful thanks to the cooperation offered by Messrs. Maples and Calder and the Honourable Financial Secretary. I also take note with grateful thanks for the generous contribution of \$5,000 towards the project of reconstructing the George Town Fort by Messrs. Pierson, Heldring and Pierson. We want to ensure that the public is aware that the Trust is there to search out, acquire and manage our most critical land space and to keep them and their flora and fauna undisturbed. Most of these areas will be open to the public, of course. The Trust, with the help of concerned citizens can bring under its protection the best of some of our remaining forests, mangroves, and perhaps, even a bit of our beach land.

The erosion on some of our beaches today, I am convinced, results from many of the natural trees which thrive in that particular type of wet, sandy, salty soil, and which have been removed in the process of construction along Seven Mile Beach. When we had the cocoplum plants, grape trees, almond trees and other such vegetation in place, I did not notice so much erosion as I have in the past several years. I am convinced that in any development along the Seven Mile Beach area or any beach area, serious consideration should be given to what is removed from immediately in front of the property. I believe that with proper landscaping plans in place, many of these trees indigenous to the particular areas could be preserved instead of removing them and planting something else. I believe it is a very important matter which must be considered in any future development along our beach land areas.

Mr. President, we look forward to the opening of the Farmers' Market. We look forward to an increase in the agricultural activity in our country and perhaps we will see the day in the not too distant future, when a lot of what we have to use in foodstuffs can be derived locally. I congratulate the Honourable Member and his Portfolio for their on-going interests in the agricultural area in the country.

While on the subject of mosquito control, I must once again bring to the attention of this Honourable House, a very important individual who has worked very hard in helping to control the mosquito population in this country for years when one person alone was working at it, and that is Mr. S.O. Ebanks, better known as Mr. Bertie in West Bay. Even the late Dr. Giglioli took notice of the great contribution this gentleman had made in this country in regards to the mosquito problem we had here. Needless to say, I believe that his contribution has not been recognised in the way that it ought to have been, and speaking on behalf of the constituents in West Bay, and the members at large in the community of West Bay, I believe that this Government and this country owes a great debt to that gentleman for the long and untiring efforts which he put forth for many years in trying to control the mosquito population in West Bay with the limited resources which were available to him.

We can never forget the fine contribution which was made by the late Dr. Giglioli. This country needs, in some way, to recognise that those who continue to give of their time and effort in studying this problem are involved in a very worthwhile cause, and anything which this Government contributes to the on-going process cannot be underestimated. It is a worthwhile effort, and we need to continue with it.

As all of us are aware, anything that is not carefully monitored

and preserved can become extinct. Our grouper population is no exception. I trust that all assistance necessary to the Natural Resources section will be forthcoming in order that the grouper spawning studies may be carried out successfully. At the moment this study is being carried out using empty tanks at the Turtle Farm area, which have been sitting idle for a long time, and it is hoped that successful results may be achieved in the very important task which the Natural Resources section is embarking upon in trying to save our grouper population.

I congratulate the Honourable Member responsible for the water and sewerage projects which are in hand. The water, especially, which is being made available to so many areas, and the sewerage system which is basically confined to the West Bay Road section is certainly one we have to express grateful thanks to Government for. I look forward to its completion, for more reasons than one, but not least of which is the congestion of traffic along West Bay Road. Of necessity this has had to come about, and I trust that the patience which has been displayed so far by users of the road will continue to be so until this project is finally completed.

Mr. President, 1987 was a record year for transactions as far as revenue being derived from Stamp Duty in the Lands and Surveys section. I would still like to inject here that I believe Government needs to take a serious look in the not too distant future at the number of transactions which take place between individuals in this country where properties or condominiums or apartments are held by an individual, paid for - Government receives no benefit therefrom, and they sell those properties, sometimes hundreds of thousands of dollars worth of property.

I am told there are individuals in this country who own between 50 and 80 apartments that are not registered on the books as being owned by them. They are sold and resold. The interest is placed in the pockets of individuals who in most part are not Caymanian, and Government loses by not collecting the Stamp Duty which should be payable thereon. I believe that this Government must look into proper legislation being in place so that we are the people who benefit. I know that this is not just a rumour, but I have heard individuals who have told me that they have made as much as \$200,000 profit on a condominium in less than two years, having paid \$300,000 for it, sold it for over \$500,000, and they ended up paying no Stamp Duty at all. I think the time has come when this situation must be corrected.

Mr. President, I am pleased with the improvements at the Turtle Farm and pleased that some of the projects that had been planned as far as development of the flora and fauna area and the refreshment room are now complete. They are attractive facilities, the Farm continues to operate on a sound financial footing and it is hoped that it will soon be in a position to relieve Government of any need to subsidise it. However, I would like at this point to emphasise that I am somewhat disappointed that key positions at the Turtle Farm are not now held by any Caymanian. I hope that Government is going to take a serious look at efforts being put forward to train or retrain individuals in our community who can take their rightful positions in that particular department.

The importance of encouraging and placing in positions of seniority from within our own citizens is very important, and no matter how much an individual or individuals are contributing to this country, for which I am thankful, I still insist that efforts must be made that Caymanians are placed in positions where they can be trained to take over the reins of administration in areas such as the Turtle Farm.

Tourism continues to increase, and we are grateful. I need not say here that it is one of the main pillars of our economy and the increase in tourism is heartening. This brings with it many benefits and, in a few cases, it brings with it the negative aspects of prosperity. Sometimes we tend to get in a bit of a hurry, and overlook many important aspects of this particular pillar of our economy. We take it for granted, we get involved in being employed, sometimes in two jobs, and I trust that our people will recognise that the key element, the key ingredient, which we must display and extend to the visitor to these islands are our friendly and honest attitudes and dispositions. It must come from within. Therefore, I exhort and implore all Caymanians and those non-Caymanians who work with us, to recognise that the tourists to these islands are special people - we need to treat them as such.

On the other hand, I would like to state here and now that I believe the time has come - in fact I think it is long overdue - when Government must set a standard regarding a dress code, especially of the visitors who arrive in our capital from the cruise ships. Many times I feel ashamed that this is allowed on our streets. We would feel ashamed if our own Caymanians were walking the streets so poorly clad, scantily clad. I believe there are certain ways in which to dress for the beach, if one so chooses, but I believe when walking in and around town visitors to this country must remember that they must carry themselves in the manner in which we, until this time, have been used to carrying ourselves, that they are visiting someone else's country, and when one goes to Rome, one should do as the Romans do. I believe that a simple pamphlet or information booklet issued to every passenger who arrive on this island should be sufficient to keep them abreast of what our expectations are regarding the dress code in the Cayman Islands.

Mr. President, I noticed that there are a number of new properties which are going to be coming on stream in the not too distant future. I would in particular, like to raise a query here regarding the Sandals project. I am told that the Sandals project in Jamaica and in a few other countries cater to couples and singles only. I am told that the particular environment is not necessarily one which the people of the Cayman Islands might be interested in having in this country. Perhaps those who are developing Sandals may have other plans for the project which they propose for the Cayman Islands, but I am hoping that those who are concerned with this particular hotel coming on stream, will ensure that it is of a calibre we can be proud of.

The training of staff in the hotel industry is a very valuable tool in helping to ensure that our visitors receive the best of service and I am glad to note that these courses will again be presented in 1988. I hope that Government will embark, through the media - the radio, newspaper in whatever fashion - to implore all those involved in the tourism industry to come forward and make use of these courses that are being offered.

On the opening of the two new resident sales offices in Baltimore and Boston - I am hoping that Government will take a serious look at having these particular sales offices either manned or administered by Caymanians or people who know the Cayman Islands. Mr. President, I have been on a number of seminars in the United States, and there are times when this country is represented by people who are non-Caymanians. I feel a lack of certain important information being given to hundreds of travel agents and other travel related businesses when we are abroad. I know that it is not always possible to find Caymanians in all of these regions, but I trust that every effort will be made to ensure that Caymanians who know Cayman, what it is, what it has to offer, know of its background, its history and its heritage will be placed in positions where they can adequately represent the Cayman Islands.

Once again I want to ask that every effort be made for every single individual, who is involved in the taxi service in this country that they be in some way, governed by regulations which will ensure that they themselves, as well as their vehicle, are kept in a clean and an attractive manner at all times. Of necessity, for one reason or another, there will be cars in the taxi industry which are not 1986, 1987 or 1988 models. Being several years old gives no reason for the vehicle to be dirty. It gives no reason for a passenger to have to put up with the fumes from a poor muffler system and to have to sit in seats when they wonder if their fine attire is going to be tarnished when they have reached their destination. It still exists - not in the majority of cases, but as I mentioned, not one taxi driver should be permitted to drive a car - especially when he has to meet people at the airport - which is not in a clean and presentable condition and they themselves must carry their own persons in an attractive and a clean manner.

Mr. President, we also have situations where exorbitant rates

are charged. I have on occasions to know because of time spent at the Cook Rum Restaurant where I am able to talk at length with a number of visitors to our Island. One of the complaints I have heard a number of times is that the rates charged seem to be exorbitant. The situation was used for an example: a couple had been taken from the same place to the same destination on three different occasions. The first time they were charged \$6.00. The next time they were charged \$10.00 and the next time \$12.00. In the latter case they asked whether there was any set charges for taking an individual the same distance. They were told yes, but the price they had given was correct. Sometimes visitors to these islands take these things into consideration. In fact, the information I got was that in two of those instances the visitors could tell that they were not Caymanians who had driven them.

It does not matter to me whether it is a Caymanian or somebody with status, or somebody who is here on a work permit, but they must adhere strictly to the rules which govern the Taxi Association and which will ensure that tourism in this country has a reputation we can be proud of. As I mentioned, they are rare cases, they are in the minority, but they must not exist at all. Strict rules and regulations regarding taxi drivers in this country who do not even do as much as ask guests if they may smoke in the car - these are areas where I think set rules must be in place to govern this Association, because after all those are some of the first ambassadors to greet people who visit these Islands. Our reputation cannot be tarnished for any selfish or greedy motive.

Knowing that everyone is involved in tourism, it behooves every single individual in this country to continue to have this country maintain the reputation which it has thus far of being one of the most sought-after tourist destinations in the western hemisphere or indeed, in the world. I congratulate the Honourable Member, his Portfolio and everyone involved in helping to make this a reality.

Mr. President, the safety and economy factors regarding the operation of the Civil Aviation Authority are both essential. While we have to look at the economics of operating the airports, the safety measures cannot be overlooked, and I congratulate Government for choosing to continue with all repair and maintenance works on the airports which are highly essential. Under the able direction of our Director of Civil Aviation and his staff, we can look forward to the high standards being maintained which we have enjoyed thus far.

I also wish to take this opportunity of congratulating and thanking Mr. Frank Roulstone Jnr, Mrs. Alice Anderson and those who have so ably carried out their responsibilities at the U.S. Weather Bureau for many, many years, and I trust that those of them who have retired will enjoy their retirement immensely.

The highly responsible job of an Air Traffic Controller cannot in any way be overestimated, and the monies spent on training and retraining of staff members is well in order. I congratulate the young Mr. Tibbetts who gained a fine distinction in his 22 month course. It leads us to once again remind ourselves that young Caymanians can take their place alongside the best in the world.

The Fire Department, Mr. President, is embarking upon what I think is a fine programme in fire prevention training in schools, and the training of staff overseas. As this country grows and develops, the need for the Fire Services becomes more and more required, and I am grateful for the fine service that the Director of this department and his staff are giving to us.

We have come almost to the end of the construction and landscaping of our Fire Station in West Bay. Apart from believing that the two stop lights are a little bit too close to the station, I believe other than that everything is in place. I would kindly ask that this be looked into because it seems to me that the stop lights are immediately in front of where the vehicles have to move out. So I hope that the Traffic and Fire Departments may be able to take a closer look to see whether or not this is in fact, the distance which is needed.

In some establishments, employees are still being given incorrect information regarding working hours and overtime pay. It is hoped that within the next several months the Labour Law will be well in place and the Director of Labour will be successful in solving the problems that still exist in this area. I believe that he is ably qualified to do so and I hope that he will get the cooperation of all of the properties concerned.

I am pleased to note that the economy in the Brac has come along so well. Cayman Brac is simply just another part of the Cayman Islands, and I trust that the many who have had cause to leave for economic reasons or the lack of employment, will now find it possible to return home and make their contribution in the further development of those fine Islands. While on that particular subject, I hope that Government may see fit to designate a large portion of the Little Cayman area as a National Park. I think that to have this particular Island over developed would not serve the best purposes now nor in the future and I would hope that this might be given serious consideration.

The new Post Office is going to be a welcomed addition to our projects in hand and I believe that the population here in Cayman is welcoming the news that it is soon going to be under construction. Whether or not the car park is going to be that much of a help to our traffic problem I do not know, but I certainly do hope that it is going to be an attractive structure which would not detract from any of the other buildings in George Town.

The Port Authority has embarked once again on making a fine improvement to the landing area down at the main George Town dock, and I trust that the construction of the new office buildings will be in place before too long, and I am grateful that in all their considerations they have taken time to recognise the need for rest and feeding facilities for casual employees. This Government cannot get along without everyone who contributes, in whatever small way they might do so, and I trust that these casual employees will be encouraged to continue to offer their services at the Port Authority, even that much more, because of these facilities which will be made available to them.

The Public Works Department is very large and great demands are made on that department. I am glad that they have now been able to come into West Bay and I think that by November 1988 they should have a few of our roads well in place. I thank them for boosting our reputation in West Bay and helping us to keep our campaign promises to our constituents there.

I want to offer my grateful thanks to the Honourable Member for the consideration and time he has given in looking after the needs of this country, but in particular, I thank him for the time which he and the Director and members of staff have given in taking time out of their busy schedule to go with us to see what our needs were in regard to development in the district of West Bay.

The Master Ground Transportation Plan is a very costly project on which to embark but it is necessary and I believe that this Government is going to be able to meet, at least, the initial projects which have been planned. We cannot do so anytime too soon. The traffic problems in Cayman do not need that I stand here to re-emphasise how grave those are. The demands on the transportation system are increasing and although this is an election year, I still wonder how we are going to meet the problems we have with the number of cars in this country. Perhaps we need to think along those lines.

Mr. President, I have come to the close of my contribution. I would close by imploring this Honourable House to reconsider its stance on the lines I emphasised earlier on. I hope that the Liquor Licensing Board might be able to institute some new rule or regulation whereby when a person applies for a Liquor Licence and he is turned down, maybe a period of two years or more might pass before he can re-apply again, for whatever reason. I think there are areas in which we can help to put our foot down and say that we recognise the problem and we aim to do something about it. Much hinges on the stance we take against drugs in this country, including liquor.

I would call upon the churches of this country to put aside any petty differences which may exist. If one goes to the nightclubs in this country there are not just a few young

people there from one district, one area or another - they are from all over this Island. There is strength in numbers. The churches in this country have to come up with a plan whereby the young people who are involved in the church, meet in a central location or meet in various churches on different nights at different times of the month, perhaps, where they share together. Basically speaking, the few petty differences which exist in a church, whether it be on the length of a dress or whether you wear jewelry or you do not, the few minor things should not be given the consideration I think they have been given over the years to separate churches. We have to put a concerted effort forth in fighting evil in this country and if we can come together at a funeral, we can do so otherwise.

There is great joy and fun in being involved in a church. I know what I am talking about and the end results are good. But the churches in this country must come together where they are united in their efforts against fighting drugs in this community. The year 1988 is not too early to start. I hope we can see a firm effort being made to work in unity, rather than 15 young people in this church, 20 in another, five in another on a weekend night. Mr. President, if we had these together in one location, there is much that could be done. I congratulate Mr. Ed Gibson and others of Youth for Christ, who have been working for years to get this in place but I believe the churches need to relax these rules and regulations that insist that it must be at my church at the time I say so and how and when I say. We cannot change the message of the Gospel, but the method of getting it across needs to be re-examined because the important thing is to reach the young people. The message may not change, but the method may be changed in order to achieve this. The churches of this country must work together in order to see this come to fruition. Strictly speaking, there is nothing out there that can compare to the satisfaction and accomplishment that can be enjoyed by young people who find their recreation in church related activities.

Mr. President, I call upon families in this country, husbands and wives, to work together with the churches and the schools; that each one realises his or her responsibilities to a family; that we recognise what we are doing is not just raising children, but we are putting our hands, we are involving ourselves in what this country will be when they have children and again even onto the third and fourth generations. We have to recognise that the time has come when money and prosperity is not the only thing that makes a country tick.

This is an election year. I trust that all those who seek to be re-elected will do so prayerfully and thoughtfully and that in this year, when there can be so much division and so much contention, while we put forth the facts and while we put forth the attributes and the reasons why any of us should be in office, that we take time to recognise that we do not try to destroy other people's reputations to the point where it bothers us when we sleep at night and perhaps for years to come.

I welcome the opportunity of having been able to contribute to this debate, and I thank Members of this Honourable House for their patience in listening to me.

Thank you, Sir.

MR. PRESIDENT:

I can find no guidance at all on how soon the Chair should close the debate when nobody is willing to speak.

Does any other Member wish to speak?

HON. BENSON O. EBANKS:

Yes, Sir, the Second Elected Member for Bodden Town.

(INAUDIBLE)

MR. PRESIDENT:

I really do not think we can alter our normal procedures by ten or twelve minutes. Perhaps you would like to get warmed up before the tea break.

The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:

Mr. President, I too wish to associate myself with other Members who have thanked you for your very gracious Throne Speech. As a first Throne Speech since you took office as Governor of the Islands, I feel, Sir, that your marathon performance will long be remembered. I think that this is one of the longest Throne Speeches I have heard since I have been here, and since the 1984 Elections. It was well delivered.

I am also very pleased to see the interest you have taken as Governor of these Islands, in our people and community development. But as explained to you when we took you around George Town on your familiarisation tour, there are many areas in the Cayman Islands that are in a very poor condition. And, I would hope that at the very earliest opportunity that I will have the privilege of showing you around these areas.

There is always the misguided conception by many that because the Cayman Islands enjoy a very high standard of living, that there is no poverty in the Islands. But nothing could be further from the truth. With a population of 22,000 people, there is no reason at all why we cannot more readily identify the problems affecting our people and do something to correct them.

I agree with you, Sir, when you said in your Throne Speech that "a healthy balance between the necessary activities of the Government and the acceptance of responsibilities for the community and its individual members is important". You went on to say that "recent changes in Cayman have been quite dramatic, and we must be alert to the potential effects of these changes on our society". In this respect, Sir, I feel that Government must show more and more interest and encourage the participation of the private sector.

I move on to the Judiciary and would wish to join those who congratulated Mr. Kipling Douglas on his appointment to the post of Senior Magistrate. I feel that this is an appointment well deserved.

I note that you have made mention of Sir John Summerfield under the Retirement section of your Throne Speech, and I will deal with that there. But I would also at this point, wish to say that I join all those who have congratulated Sir John for a job well done. I would also use this opportunity to extend my welcome to his successor, Mr. Collett, to the high office of Chief Justice of the Cayman Islands.

Moving on to the Royal Cayman Islands Police Force. I am happy to learn that steps are continuing to localise as many senior posts as possible, as U.K. contracted officers leave our Islands. This is not to say that I am opposed to expatriates working in the Cayman Islands. I made it quite clear in my political manifesto which I issued for the General Election in 1984, my position in this respect, specifically my position on integration. I would just like, Mr. President, with your indulgence, to read this section of my manifesto. It reads:

"In our rapidly developing financial community it is not reasonable to suppose that we can produce, in the short term, the required number of lawyers, accountants, bankers and others locally, with the necessary expertise to ensure the proper expansion and development of the industry. I believe that the key to the successful long term development of the financial industry is integration of the Caymanian professional, not replacement of the expatriate. The term "expatriate" here is intended in its broadest sense to include all who are non Caymanians, regardless of ethnic or national origin."

So, Mr. President, as far back as 1984 and even before, my

position on the subject of integration was well known. The point is, that I feel our people should be given every opportunity to be placed in senior posts, not only in the Civil Service but also in the private sector. I feel that a condition of work permits should be that the holder of that work permit should be told, before the permit is issued, that he trains the person immediately under him.

Continuing on the Royal Cayman Islands Police Force, I too am pleased to see the reduction in crimes during 1987, which speaks well for the vigilance of the Police Force. They should be congratulated in this respect. I do not think that it is a bad statistic that 77 per cent of crimes reported were cleared up or detected. Not many countries can boast of such a high statistic.

But, there is no time for complacency at this point. Above all, the Police Force must continue to maintain a very high level of integrity and must be above reproach. It was also very encouraging to learn that Government has undertaken to join the private sector, namely the Cayman Against Substance Abuse group (CASA) and other concerned citizens in organising themselves and establishing a National Advisory Council on the misuse of drugs which will be effected by an amendment to the Misuse of Drugs Law to be presented in the April Meeting of this House. At this point, I think it is only appropriate that I express my pleasure at the very active role the First Lady of the Cayman Islands has been playing in this group. She has been very active, and her work is well appreciated.

Such a Council, will address the problems of drug abuse in our Islands, and I am sure will be welcomed by all, including the Police Department. It was also pleasing to note that such a Council will be constituted by a membership representing a wide cross section of persons and organisations including Government agencies, service clubs, churches, etcetera, which should be in a position to contribute significantly to the development and implementation of the necessary programmes to tackle the drug problems within the Cayman Islands.

The Police Department is also to be commended on the attention given by them to road safety and the strict enforcement of the Traffic Laws. It was certainly pleasing to see so many police on the roads during the Christmas season which I feel had a major positive influence on the reduced number of road accidents during the season. Statistics show that the fatalities were the lowest in four years.

I am also pleased to see that a campaign is on to recruit Caymanians into the Police Force, and I trust that the Caymanian young men and women will see the Police Force as a worthwhile and interesting career. But, the conditions of service and salaries must be attractive enough in order that these young people will see the Police Force as a worthwhile career. It was felt in the past, that the Police Force and some other Government departments were a last resort. The young people only joined those areas of Government service when there was nothing better available. I am happy that this fiction has long passed, and that the Police Force today is seen as a worthwhile career for young men and women of the Cayman Islands.

I move on to the section of your Throne Speech dealing with the Prison Service.

MR. PRESIDENT: Forgive me interrupting you, particularly as you were so generous as to start, I think we might break, if that is convenient.
planned during the break.

May I remind Members that there is a group photograph

AT 3:17 P.M. THE HOUSE SUSPENDED

GROUP PHOTOGRAPH ON STEPS OF BUILDING

HOUSE RESUMED AT 3:40 P.M.

MR. PRESIDENT: Proceedings of the House are resumed. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, at the break I had just come to the point of dealing with the Prison Service. I note with satisfaction that the Prison's administration is committed to continuing the development of programmes and services along modern and appropriate lines. I trust, Sir, that a major concentration will be focussed on rehabilitative measures to effectively introduce our young people back into society.

Society also has a responsibility to these people, to assist them in finding jobs and in generally settling back into our community. So often, people spend time in Prison, but when they come out they are shunned. We do a disservice to them when this sort of thing occurs. I feel that it is the responsibility of each one of us to ensure that we do our little part in helping to rehabilitate that individual back into society.

On Immigration: I noticed you said in the first sentence of your Throne Speech under the subject of Immigration that our economic growth demands continuing expansion of the work force, much of which has to be met by temporary immigration. It was interesting and important that such a statement should be made by yourself as Head of our Colony, and this is very correct. Because of the economic growth in the Cayman Islands, it is more and more important that the subject of the expansion of our work force be properly and adequately addressed.

My position with regards to the Immigration Department and the Caymanian Protection Board is fairly well known throughout the Cayman Islands as I have on many occasions stood in this House and made my views known. I would, nonetheless, acknowledge the very genuine attempts made by Government to introduce appropriate directives and policies. However, much still needs to be done. I share the views of the First Elected Member for the Lesser Islands that the whole law needs to be overhauled. Our people are suffering under the Board's practices and the way in which the Board is sometimes administered.

Notwithstanding the fact that many good directives have been formulated by Government, there still remains a number of problems. The question may properly be asked, if policies and directives are put in place and if they are appropriate, then why is it that our people are having so many problems? I am not talking of a small minority or of the little men as we often hear them referred to. I am speaking of a cross-section of people that have contacted me about the problems they are having with the Caymanian Protection Board.

Mr. President, I am aware of new policies introduced and the purpose for which they have been introduced. In 1987 new policies were introduced with the main objective of balancing the proportion of overseas workers brought to the Cayman Islands. It says, "The Cayman Protection Board and the Chief Immigration Officer should regulate the admission of persons to the Cayman Islands in accordance with Section 8 and shall report quarterly to the Governor in Council the total gainful occupation licences renewed and lapsed permits during the previous quarter". Unfortunately, many of our people are not aware of some of these directives and policies, how they work, or indeed the way in which they are affected by them.

Section 1A of the Directives to the Caymanian Protection Board
Issued during 1987 reads:

"...the granting of gainful occupation licences shall, commencing on the 17th day of August, 1987, be regulated so that at all times the number of licences granted to persons who are citizens of, or of a country within the geographical area having the most licences shall not in the aggregate exceed by twenty per cent or such other percentage as the Governor in Council may subsequently specify the number of licences granted to persons who are citizens of, or of a country within, the geographical area having the next highest number of licences."

Mr. President, these directives read very well. I am sure the policies are meant to be in the best interests of our people, but they are very unrealistic. The purpose of this direction was to divide the geographical areas into five:

- (1) the West Indies and Central American areas;
- (2) the United Kingdom and Ireland;
- (3) the United States of America;
- (4) Canada; and
- (5) elsewhere.

But the problem with the directives given the Protection Board is that there is too much discretion given to the Board in the implementation of these policies and directives. So often we hear people say that they have to phone so and so to see if he will agree to get my permit approved. If all the conditions and the requirements are met, there should be no need to have to have a special relationship with a member of the Board to get a licence approved - as long as you meet the requirements you should have that licence approved.

There are too many discretions used. In any law that is riddled with so many discretions, directives or policies there has got to be some area for abuse. I must state here and now that our Government has tried to put forward the machinery in order that we can cope with the problems we are experiencing in the Cayman Islands. So they cannot be faulted for not trying to put the machinery in place. I am also talking about the problems of the practices and the discretionary powers of the people who administer these policies.

Section 1C of these policies states:

"... the Board may, commencing on the 17th day of August, 1987, grant a licence for a single term not exceeding two years, if it is satisfied that:-

- (a) there is no available resident labour; and
- (b) the prospective employer has made what the Board considers reasonable attempts to recruit a suitable person from a geographical area which is not at that time subject to the percentile restrictions set out in directions 1A and 1B, and has not been successful;

Provided that this paragraph does not apply to an application made for a gainful occupation licence for a domestic unless the Board directs that it requires to be so satisfied."

More discretion, Mr. President. Too much discretion. And, as a result these policies, because of the discretion, even though they look good on paper, in practice they are worth very little.

This is not just a politician finding a subject to hang on to. I represent my people, and in the George Town constituency as is well known, we do not have, as in some constituencies, where people vote for a slate of candidates - in George Town you have a complete cross-section of the community. So when I get up in this House and speak I do not speak for a minority group. I speak for a complete cross-section of the voting community of George Town. I have received representation from a complete cross-section. It does not matter where my loyalties lie, because it is well known, I have made my position known. If there is something that I see that I believe is wrong I will continue to address that matter until I see some improvements.

I agree that persons married to Caymanians should not be allowed to abuse their position. This is why I was able to support the motion that came here. But, I was also happy to see that as far back as September 1987, that the Honourable Administrative Secretary had recognised the problem with marriages of convenience and had adequately addressed that problem. With the support of Marriage Officers, I hope that this problem can be brought under control. However, care must be taken that this area is not abused.

Also section 7 of these policies dealt with guidelines on grants or renewal of gainful occupation licences.

"Persons or organisations applying for the grant or renewal of gainful occupation licences shall satisfy the Board that:

- (a) No Caymanian staff in their employment are suitable, capable or able to fill the position for which the application is made."

Mr. President, I should at this point state that I am taking time to deal with this matter so that the listening public can know exactly what is also expected of them. So many times we hear the question asked, why was I not told so and so, or why did not the Board communicate to me the other thing? My application was refused without any explanation. I feel, Mr. President, that if time had been taken by the Government Information Services to explain these policies that there would be a better understanding of them. But alas, this was not done. Coupled with the ignorance of the policies, plus the discretion of the Board, we have a major problem.

The persons or organisation must also satisfy the Board when applying for the grant or renewal of gainful occupation licences:-

- "(b) that they have made efforts including advertising for at least two issues, in two consecutive weeks, in a local newspaper, to ascertain that firstly no suitable, capable, able Caymanians are available outside the organisation;"

And it also says:

- "(c) adequate staff training programmes, where appropriate, have been instituted to reduce the future need for overseas recruitment;

I would wish to ask if this is also being done in the Attorney's office, the law firms, in the accounting offices and the many other professional offices where a number of permits are approved. Because the reason given is that they cannot find suitably qualified people locally. What training are

they giving to these people? You have a Catch-22 situation: if you do not have the training, you cannot get the job - the job is there, but without the experience, even with the training you cannot get it. So it is a very, very complicated situation, Sir. It is also important to know what grounds should be given for refusing a renewal or grant of a licence.

Many times these grounds are not followed. One of the first questions asked is "Where are you from?" That individual is often told, "You are wasting your time do not even apply." This is not fiction, this is a fact, I have been told that.

Section 8(d) of these policies states that one of the reasons for refusing is:

"that the applicant has a background of subversive political activity, racialism, or any other illegal activity;"

This should also not only apply to the employee, but should apply equally to the employer. Enough said on that particular point.

I do not feel that sufficient consideration is being given to the needs of our people. I know of several families in George Town and other areas of the Cayman Islands that have had to close down their businesses mainly because they could not get suitable labour. They advertised in compliance with the Protection Board's requirements for two weeks in two issues of the papers and nobody applied for the jobs. Yet when they found somebody who was suitable, that person was turned down by the Board. Up to yesterday I went to one of the bigger food outlet establishments in this Island and the first thing the man greeted me with is that his application for two domestic helpers in that place was flatly turned down. He could not find any Caymanians to put in the positions, yet the Protection Board turned down his application.

Mr. President, something needs to be done. I do not want, here or now, to start blaming anybody, but there is a problem. We should not skim over this problem, we cannot kick it under the rug, we need to deal with it, and deal with it effectively. The future development of our country and the future well-being of our people depends on how this matter is treated.

Many of our people fulfill the necessary requirements, they do everything they are asked to do. They comply with the requirements of the Law, but yet when the application goes to the Board it is turned down without even the courtesy of a reason. But you are told you have the right, it is your right to appeal. How in the world can you appeal against something if you do not know the reason why you are appealing against it? You are not told what the problem is, so how can you appeal against it? It seems like a lot of stupidity to me, Sir. I cannot appeal against something unless I know what I am appealing against.

Our people are being pushed into a position where they are being forced to break the law. This is why you see the Courts are being filled with cases of illegal immigrants working in this country without permits because this is the only way that some of the employers can keep their businesses going. They have to get labour somewhere. What are we going to do about this problem? It seems, Sir, that our first interest should be to our people. Our people are being squeezed, these are upper, middle and lower class Caymanians, not just one sector, but a broad cross-section. What are we afraid of? The Caymanian Protection Law protects the Caymanian to the ultimate. What is the fear?

Section 9 of these policies states:

"Each gainful occupation licence shall have endorsed on it or be accompanied by a notice to the licence holder in the following terms;

"You are hereby informed that under the existing Laws and Regulations the granting of this Licence in no way confers any entitlement to, or preference in connection with the granting of any application for the renewal hereof or of any application for Caymanian Status."

It is quite clear. So getting a permit gives you no right to Caymanian Status. You could have lived here for ten or twelve years. There is no right that you have, because you have been granted a permit, it is already in the law. So what is the problem? Why are people being subjected to this type of restriction and suffering?

I was pleased to see in Directive 11A Mr. President, that:-

"In the case of an application made under section 25 of the law in respect of an attorney at law, the following further provisions apply;

- a) The Board shall consult with the Attorney General;
- b) The Board shall establish a policy of not giving a partner of a firm any greater security of tenure than any of its employees;
- c) The Board shall ensure that no licence is granted if the result would be to create a situation whereby the legal profession became dominated by one or two firms;"

It went on to say that:

"f) No licence shall be issued to any person who is not ordinarily resident in the Islands, or who does not so intend to be ordinarily resident."

Mr. President, I would reiterate that the machinery, the directives, the policies, are in place. So why are the people being squeezed the way they are? The Government is protected, the country is protected, and according to the directives and policies, the people should be protected under this. But there is still a major problem. It can only point to one thing, and it is my opinion, that it is the practice of the Board in the way these policies and directives are administered.

I am not going to go into the details concerning the granting of Caymanian Status, but I would say here and now, that I cannot share the view that the granting of Caymanian Status should be discontinued. Most of the great industrial countries of this world have been built up by the integration of people from various nationalities, cultures, ethnic backgrounds, etc, and for us to say that we are going to discontinue the granting of Caymanian status would be a very narrow view to look at this matter. This would be a mistake. We live in a democracy, and we have to respect the views of the people around us, even if the views of one of my colleagues, a friend or a constituent should differ from me on this particular point, I will honestly respect that view. But I cannot share the view that the granting of Caymanian status should be discontinued. We would be taking a backward step. I feel that it should be very closely monitored and controlled, and we should be very selective of the people we allow into this country. We have some very good people who have come to this country to work and to live amongst us. People that would be welcomed in any country of the world. So we have to be very careful.

Mr. President, back in September 1987, I, together with eight or ten businessmen, held a meeting in the Government Administration Building on the same problem. I will not go into the details of that meeting. But even before that there was a major, major problem within the business community. At that meeting there was a complete cross-section of businessmen and the problem they were facing was the

problem of getting the number of people they needed to work in their establishments. The problem with work permits.

Because of the general dissatisfaction of our people regarding the practices and administration of the Caymanian Protection Board at the Board level, I feel that Government should appoint a Committee of this whole House to examine the Caymanian Protection Law, 1984, to do a complete overhaul of the Law and its subsidiary legislation with a view to amending it where appropriate and necessary.

In the Caymanian Compass on Wednesday 25th November, 1987, there was an article on the front page which was captioned "Protection Board criticised". I do not know if this was really an honest caption, but this is what was there. If it was a criticism I hope that it was a constructive criticism as I hold the members of that Board in the highest esteem and especially the Chairman. I think he is a man of integrity. But, I also feel that there is a problem and for the good of this country, that problem must be corrected. I stated here that the policies are hampering economic growth. I also stated as I am doing today, that the policies were inappropriate. I stated that they were one of the biggest, most negative forces against us and economic growth today. The article went on to say, "Caymanians across the board were suffering, with small businesses having to close because they could not get assistance". I made the observation, especially was this true when Government could bring in prison guards, teachers and staff for all of their departments from overseas but the private sector was having a problem in getting the basic level of work force.

I stated that local people were not available to do the job and it was unrealistic to import domestics and casual labour from overseas, especially from the North American area, Ireland or from Europe.

I feel very strongly that something must be done and done early to correct the problems that our people are experiencing with getting a proper labour force in their businesses and the problems they are having with the Caymanian Protection Board. As I stated before, I hold the members in the highest regard but I believe that their actions are not in the best interests of our people. I will say no more on this particular area of your Throne Speech dealing with Immigration, but I hope that some action will be taken to alleviate the problem being faced by our people.

I now move on to the Broadcasting Department.

It was heartening to see that over 90 per cent of the staff are Caymanians in this department and that the revenue more than covers its recurrent expenditure. I would wish to congratulate the Director and his very efficient staff for the fine job they are doing at the Broadcasting Station.

I am also pleased to see that the FM service to Cayman Brac will be completed in the early part of this year.

I think it was appropriate, Mr. President, that in your reference to an open Government that this should have been made in your first Throne Speech and that this observation was so early made. On the Government Information Services it is noted that you feel that we have an open Government, one that consults at every stage of the way with our people. This is one of the reasons why I find it easy to work with the Honourable Members of our Executive Council, since I have found them to be people of integrity and men who are open with the people. This is the type of government that we will need if we are to succeed and if we are to grow from strength to strength. Regardless of the outcome of the elections, the important thing is, that the people who sit on our Executive Council must be men above corruption, must be men of integrity, and not people who are there only to feather their own nests.

During this election campaign, and it has already started, some information has come to my attention there will be a lot of mud slinging and there will be a lot of unfounded and nasty rumours. I have seen little pieces of paper already going through the mail on one of our leading citizens in this country and I have heard other rumours around. I hope that I will never during my political career stoop as low as to spread any unfounded rumour and I know that this is being done now. I trust, Sir, that the people of the Cayman Islands will not want to put people in our Assembly who would have those kinds of morals, or would stoop that low in trying to degrade their fellow Caymanians. We can win an election by earning the respect of people, not by trying to falsely accuse people and pull them down into the gutter with themselves. Mr. President, I may have more to say on this, but not at this point.

I move on to the Civil Service.

The 1988 Estimate shows an increase of 82 posts of the 1987 total of 1,646 employees. We should not be alarmed about this, because the same way our country is growing, our Civil Service will have to grow to keep pace. I feel that our Cayman Islands Civil Service is second to none. We have some of the most intelligent, brilliant and honest people in our Civil Service that you will find anywhere in the world. Regardless of whether we needle them sometimes, deep down in our hearts we know we have a very solid Civil Service. I am very pleased that they have just received a salary review. I hope, Sir, that every effort will be made to keep their salaries as closely in line with the private sector as is possible.

I also feel that regardless of the sector of the Civil Service, be it in the Government Administration Building, the Tower Building, the Police Force, or even within the political arena, that people should be adequately compensated for their efforts and for their work. It is a two way street, Sir.

I was also pleased to see the recent arrival of the Director of Training. It was interesting to note that his immediate focus would be on three training areas, namely the Clerical, the Supervisory and Management areas, and that this was with the view to improving overall productivity. I would hope that one of these days, in the best interests of our Service, that a time and motion study and a methods study would be conducted within the organisation to determine the productivity of each member of the Civil Service. This would not be a bad idea either, Mr. President, for Members of the Legislative Assembly.

I too feel that it would not be a bad idea if we could have the Report of the 1988 Quadrennial Review of Salaries tabled in this House, so that we could satisfy ourselves as to the details of that Report. So many times we are asked questions that we are not in a position to answer.

I now move on to retirements. It was appropriate Sir, that you should make mention of Sir John Summerfield on his retirement. As I said earlier, he performed an excellent job for the people of the Cayman Islands. Not only was he a very nice person to know, but he was a very, very efficient man. I feel, as I said earlier, that his successor will do equally well, even though we all appreciate that he will have a hard job to fill the shoes of Sir John.

May I also join you in your sentiments expressed to the Principal Secretary of Communications, Works and District Administration, Mr. Sammy Jackson, MBE, JP, for the invaluable work he has done, not only within Government, but indeed within the community. Much of his work is sometimes hidden, because it is not published, but I can assure you I know of the contribution being made by this good gentleman. I would also wish to associate myself with paying tribute to the Chief Accountant, Mr. Louis Moncrieffe, and indeed the Collector of Customs, Mrs. Marcla Bodden.

Just shortly after I joined the Service in 1963 - I was in the Service for 16 years - I had the pleasure of working with Mr. Moncrieffe and Mrs. Marcla Bodden, and I can assure all of the Members here and the listening public, that I found them to be very dedicated and efficient Civil Servants. I wish them God's speed. But I do not look forward to seeing them in retirement. They still have too much to offer, and I would hope that somehow retirement from the Civil Service will mean the beginning of something else to do. It is noted, Sir, that they have between them approximately 68 years of service.

I would be remiss in my duties if I did not make mention of the retirement of our first Auditor General, Mr. Fitzroy Kelly. As chairman of our Public Accounts Committee, I can truly say that he has done a tremendous job. He has put the financial situation of this country in order through his

recommendations and through his close working relationship with the Finance Department. He is a very capable man, and he will be sadly missed. I, for one, will miss him very much for all the valuable advice and assistance he gave during the deliberations of the Public Accounts Committee's meetings. I wish them all God's speed.

I now move along to the subject of Finance and Development.

MR. PRESIDENT:
adjournment.

That is rather a large subject - perhaps we should take the

MR. LINFORD A. PIERSON:

Thank you, Sir.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:
House until 10:00 o'clock on Monday morning.

Mr. President, I move the adjournment of this Honourable

QUESTION PUT: AGREED.

**AT 4:26 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. ON
MONDAY 22ND FEBRUARY, 1988.**

MR. PRESIDENT:

The House stands adjourned accordingly.

**STATE OPENING AND FIRST MEETING
OF THE 1988 SESSION OF THE
CAYMAN ISLANDS LEGISLATIVE ASSEMBLY**

**MONDAY, 22ND FEBRUARY, 1988
(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, OBE	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

ABSENT

MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END
------------------	---

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

**STATE OPENING AND FIRST MEETING OF THE
1988 SESSION OF THE LEGISLATIVE ASSEMBLY**

**MONDAY, 22ND FEBRUARY, 1988
(FIFTH DAY)**

1. PRAYERS

To be read by the Honourable Third Official Member of Executive Council.

2. PRESENTATION OF PAPERS AND REPORTS

(1) 1987 ANNUAL REPORT OF THE ROYAL CAYMAN ISLANDS POLICE

To be laid on the Table by the Honourable Third Official Member of Executive Council.

**(2) REPORT OF THE STANDING BUSINESS COMMITTEE
(Meeting held 10th February, 1988)**

To be laid on the Table by the Chairman the Honourable First Official Member of Executive Council, Leader of Government Business.

3. QUESTIONS TO HONOURABLE MEMBERS

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

No. 1: Will the Honourable Member give an update regarding the proposed shrimp farming project to be located near the Turtle Farm in West Bay?

4. GOVERNMENT BUSINESS

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH.

5. ADJOURNMENT

To be moved by the Honourable First Official Member, Leader of Government Business.

TABLE OF CONTENTS

PRAYERS	1
PRESENTATION OF PAPERS AND REPORTS:	
(1) 1987 Annual Report of the Royal Cayman Islands Police	1
(2) Report of the Standing Business Committee (Meeting held 10th February, 1988)	1
GOVERNMENT BUSINESS:	
CONTINUATION OF THE DEBATE ON THE THRONE SPEECH	
Mr. Linford A. Pierson, JP	1 - 14
Mr. G. Haig Bodden	14 - 17
ADJOURNMENT	17

MONDAY

22ND FEBRUARY, 1988

10:05 A.M.

MR. PRESIDENT:
Council.

Prayers. The Honourable the Third Official Member of Executive

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:
Official Member of Executive Council.

Proceedings are resumed. Papers. The Honourable the Third

PRESENTATION OF PAPERS AND REPORTS

1977 ANNUAL REPORT OF THE ROYAL CAYMAN ISLANDS POLICE

HON. J. LEMUEL HURLSTON:

Mr. President, I beg to lay on the Table of this Honourable House the Annual Report of the Royal Cayman Islands Police Force for the year ended December, 1987.

MR. PRESIDENT:

So ordered.

Council.

Papers. The Honourable the First Official Member of Executive

**REPORT OF THE STANDING BUSINESS COMMITTEE
(Meeting held 10th February, 1988)**

HON. THOMAS C. JEFFERSON:

of the Standing Business Committee.

Mr. President, I beg to lay on the Table of this House the Report

meeting. The Report is self explanatory.

There were two business papers circulated and dealt with at one

MR. PRESIDENT:

So ordered.

QUESTIONS TO HONOURABLE MEMBERS

MR. PRESIDENT:

Questions. Has the Third Elected Member for West Bay invited any other Member to put the question standing in her name?

In that case we move on to Item 4 on the Order Paper, Government Business. Continuation of Debate on the Throne Speech. The Second Elected Member for George Town.

GOVERNMENT BUSINESS

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH

MR. LINFORD A. PIERSON:

Thank you, Mr. President.

At the adjournment on Friday afternoon, I had reached the part of the Governor's Throne Speech dealing with Finance and Development. However, before dealing with this in detail, I wish to elaborate on a matter raised by me in my debate on Friday.

Mr. President, it has come to my attention that I, together with other Members of this Honourable House, will be targeted for abuse in this up-coming election campaign. I understand, Sir, that this is the proposed strategy to be used by certain candidates. I have even heard by certain members of the community that an American-styled election campaign is being planned. Be this as it may, I have in the past, kept away from any mud-slinging and gutter politics, and by the help of God I will continue to do so.

The days when elections were won through emotionalism, I hope is long in the past. Our people are much more politically attuned to the real issues that are facing this country today than to petty politics or to which man is dating what woman. That type of gutter politics has no place in

Cayman's christian and sophisticated society.

Just recently, Sir, I was talking to an up-coming citizen of our community regarding our christian heritage, and he suggested that among some of the procedures used in our Government Administration Building, perhaps time should be taken by Executive Council Members and senior Civil Servants to putting aside a few minutes each day, or at least once a week, for prayers to Almighty God to guide us in these uncertain times.

I believe that as a Legislative Assembly, we are much better off because of our christian heritage. We are much better off because of our traditional values, and I believe that we should continue to follow the guidelines and principles laid down by our forefathers.

I know, Sir, that there are those who may scoff at the idea of prayer, and I am not saying this because this is an election year, because I know most people know the way I live. They know I am a church goer, they know that I try to live a very clean life. So what I am saying here today is what I have said in many years past and what I am trying to live today. I believe that I am no worse off because of my principles in this respect. I am one of those who can attest to the power of prayer and the blessings which I have personally received therefrom. So I am not speaking from hearsay, I am speaking from personal experience.

I think that it is well known that I am as capable as the next man of staging a very strong political campaign. This I intend to do, but, by the help of God, with dignity. I hope, Sir, that I will never stoop so low as to win votes by maligning my fellow Caymanians or through mud-slinging. I hope that the Caymanian public will not entertain such behaviour from any political candidates or from their supporters. What we need in this country is a group of christian minded men of integrity, who are above the petty gossip and malicious rumours and who would scorn the action to become involved in mud-slinging.

Regardless of the high standards I have set for myself, I will not stand by and allow anyone to abuse me or the candidates whom I may support, for it is my intention to protect my fellow colleagues' reputation in their absence as in their presence.

The Cayman Islands are the gem of the Caribbean. We are the envy of many. As such, we must maintain a high standard, not only in the private and public sectors of our Government or of this country but indeed in our politics.

The Members of this Honourable House are in the fourth year of their term since the 1984 Elections. I believe, Sir, that many of the electorate have already made up their minds about any of the incumbent Members who may plan to stand for the 1988 Elections. Our people are becoming more politically aware and have been watching us all along. They know who have been working in their best interests. They do not really need anyone to walk around George Town or elsewhere, to tell them how to vote. They are capable of making up their own minds. Some of us, Mr. President, during our four years, did not bury our talents. I believe that those of us who showed good stewardship will hear the "well done thou good and faithful servant" from the electorate in 1988.

We see much needing to be done in this country. As intimated by me on Friday, even in a country that boasts of very high prosperity, we see a lot of poverty. Poverty we should not have in our midst, poverty we should be ashamed to admit exists in this country. But I am afraid that even in this Honourable House there are certain of us that do not know of some of the poverty in this small community of ours.

All our people have to do is to look around and they will see that our country is experiencing the highest economic growth in our country's history, despite these problems and despite the hardships some people are experiencing with the Protection Board, and in particular, in obtaining the necessary work permits. But as I said on Friday, any criticisms that I may level at the Protection Board are not intended to in any way take away from the integrity of the good men that sit on that Board, and in particular the Chairman of that Board. I think they are men of integrity, and I wanted to reiterate that point.

We have a booming economy. Any Caymanian who really wants to work can find something to do. This is not to say that there is still not much concern about those that are unable to work and those that should be given more help by Government and the private sector.

Later on in my debate I intend to deal with the question of the unacceptable level of poverty in these Islands. While I can appreciate, as is written in the Bible, that the poor will always be with us, I cannot accept some of the conditions that exist in this country at present.

Now I move on to the section of your Throne Speech dealing with Finance and Development.

In the Budget Address delivered by the Honourable Financial Secretary in November last year, he pointed out that despite the problems of the World Stock Exchanges, and particularly the plunge in the Dow Jones Industrial Average by some 500 points, that we in the Cayman Islands, have maintained a vibrant and steady economic growth. I support the Financial Secretary's views 100 per cent.

To quote the Financial Secretary, he said:

"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 is now."

Just a few points, Mr. President. Our gross domestic product is approximately \$170 million. At the end of 1986 it is estimated that the total foreign assets of the Cayman Islands offices of licenced operators stood at some US\$200 million. This was an increase of 15.5 per cent over 1985. I think there is a correction there. Instead of US\$200 million, it was \$200 billion.

This is, in anybody's figuring, a very healthy rate of growth. This did not just come about, this was because of good stewardship from the Government and from Members of this Honourable House. I have had occasions to differ in principle with the Government bench, and I think that I may in future, if the occasion arises, do so. But all in all, I think that any Member of this Honourable House and any member of the public will say that overall they have done a good job. Forbes Magazine said that it was likely that the Cayman Islands is the largest offshore financial centre in the world today. We know that Forbes Magazine is a very highly respected magazine.

But, these impressive statistics did not just come about. They are the result of the high standards we have set for ourselves, coupled with the financial expertise available in these Islands.

The 1988 Estimates of revenue and expenditure reflected a total budget of over \$84 million, which was an increase of almost 14 per cent over the 1987 budget. Mr. President, notwithstanding this year being an election year, Government continues their planned capital programme in line with the Economic Development Plan for these Islands.

We see on-going programmes of work which cover a number of essential services, such as the water and sewerage project, with fresh water already being distributed in George Town. And, while I intend to deal with this matter later on, I would at this point say that I am somewhat concerned that the charges for sewerage and water may be somewhat exorbitant. With the sewerage, I understand that there is very little choice - the people in the targeted area have no choice but to hook up to it. With the water it is a different situation. I was talking this morning to a housewife in the Whitehall Estates area. She told me that with her two children and herself, a charge of \$78 was levied on her. There are not many of our people that can afford, in addition to the already high overheads, \$78 per month for sewerage services. This is very high, and I feel that Government will have to regard this as an essential service and somehow consider those people who may not be in

a position to pay such high charges.

I notice that in the Watlers Road estate area that the charge will be some \$13.00. This may sound like a small amount, but to a large family on a small budget, this is an enormous amount. \$13.00 can go a long way in buying food for that family. Government will have to consider some form of subsidy to reduce the cost to these individuals.

The other essential services that will continue during 1988 are the Gerrard Smith Airport Terminal in Cayman Brac, the Fire Station at Owen Roberts Airport which is now nearing completion, and I understand that the opening of the West Bay Fire Station is scheduled for today. This is all good news. We also have the commencement of the first phase of the Community College, and work is now being done on an abattoir. A purpose-built computer building is considered for 1988, and a visitors' building and other extensions to the prison facility. Above all, I am happy to see that a Juvenile Rehabilitation Centre is also being planned for commencement during this year. There are a number of other capital and recurrent expenditure programmes.

It is also gratifying to note that Government is committed to continuing its measures to ensure sound financial management across the Civil Service. It was also pleasing to read of the recent promotions in the Finance and Development Department. I would like to associate myself with all the other Members who have already expressed their congratulations to the members of the Civil Service on their promotions.

Equally, we want to see a similar system of Caymanization where possible in the private sector. We want to see more Caymanian bankers in top positions. It is not enough to say that of the 10,000 people in the workforce that 74 per cent are Caymanians when indeed, of that 74 per cent, perhaps 95 per cent are in middle to lower income areas of the workforce. This is not good enough. Government will have to take a stand to ensure that when people take up positions of seniority in this country that a condition of their work permit is that they should train suitable Caymanians to take over from them.

We want to see more qualified Caymanian people in top positions. We are getting more and more Caymanians qualified - accountants, lawyers, bankers, trust people, insurance people - we are getting a lot of Caymanians who are qualified. But they are becoming disillusioned because they are not getting promotions the way they should. We get youngsters leaving school, going to work for some of the banks and trust companies, and they are kept in the same position year in, year out. This is not the Caymanian way. We have been very kind to developers in this country, we have been very kind to any of the business sectors that have come here to work. They should in turn show respect and some amount of consideration to the Caymanian people. They are not doing us a favour. It is our right. No favour is being done. All across the board we want to see a commitment by people coming in here to set up business, to train our young Caymanian men and women to fill senior positions in the private sector as well as the programme of localisation announced earlier by the Financial Secretary. We also want to see it done in the private sector.

Also under Finance and Development, it was good news to see that the Economic Development Unit proposed by the Financial Secretary in his Budget Speech will be established, and that it will be of great help to him in the management of the infrastructural developments within the Five Year Economic Development Plan. And already in line, the promise made by the Financial Secretary, we have seen a rolling over in the Plan from year to year, commencing with 1988 to 1992.

Also, Mr. President, it is good to see that annual warrants will be implemented; except for a few reserved items, they will be issued to all Government departments. In each department a budget controlling officer has been appointed to be responsible for the funds allocated to his department. These are all major improvements that are needed and necessary as this country develops.

Also the implementation of other aspects of the new Financial and Stores Regulations, and of the Economic Development Plan indicates to us an industrious year ahead for this department, and I wish to record my grateful thanks to the Head of that department, the Honourable Financial Secretary, for the improvements being made in that department.

Now, Sir, I move on to the Customs and Excise Department.

With over \$27 million of our country's total recurrent revenue coming from customs revenue, I feel that care should be exercised in the appointment of Mrs. Marcia Bodden's successor. I am not here to make any judgements or recommendation on who should be appointed to this important position - this is not my job, Sir, this is the job of the Public Service Commission. But my job is, as a representative in this House, to keep an eye open, to see that things are done in the right order, regardless of whether it is done in the Civil Service or in other areas of the public sector. Mr. President, I would ask that much care be taken in the appointment of this position, and that senior officers of experience are not ignored. Enough said on that, Sir.

It is also of interest to see that the department is committed to maximising the potentials of the staff within their department. But as in the past, I must again ask the question, what consideration is being given to the proper diversification of our economy? We have a type of economy that is a very regressive form of taxation. I say "regressive form" in that it is an indirect form of taxation on our people. We continue to increase import duties. We continue to increase the duties that will eventually, and as an end result, be borne by the consumer, the consumer in the majority being the little people in this country. I am not at all advocating any form of direct taxation. The point I am making is that we need to be looking at further diversification of our economy, and not depending solely as we see in the 1988 Budget, with \$27 million of the \$60-odd million of recurrent revenue coming from the customs revenue. We need to make an all out effort to attract small industries, even if it means some form of incentive, a reduction in import duty, whatever, we need to try to attract the right type of small industries in this country.

Mr. President, it is also heartening to see that a task force has been created to combat the importation of prohibited drugs. The Governor's Throne Speech went on to say:

"It is hoped that during 1988 the Department will acquire a patrol and pursuit boat equipped with modern radar detection devices."

But in addition to this, I feel that if we are going to effectively deal with the problems of drugs coming to this country, and if we are going to acquire a patrol boat to deal with this, then that patrol boat should be properly armed to combat the fire power of any of the drug pushers that may try to attack our boats within our territorial waters, or even outside.

We cannot approach this thing half way. It is better that we leave it alone if we are not going to deal with it as effectively as possible. We cannot make a token gesture. We are dealing with criminals, and we have to deal with them at their level and with the same force that they are prepared to use.

I again would like to congratulate the retiring Collector of Customs, for she is a lady that has done a tremendous job in that department. It is the department of Government that collects the greatest percentage of Government revenue, and I believe, Sir, that it is one of the few departments that have the lowest level of expenditure. I have had the pleasure of working with this lady, and I know that she is a lady of integrity. I hope that any recommendations that are made by her as to her successor will be seriously considered.

I now move on to the subject of the Treasury Department.

It is noted, Sir, that the new post of Accountant General as provided in the Finance and Audit Law, a new appointment, will be made during 1988. This is in accordance with

Government's reorganisation plan. Again, this is a most important section of Government, and I have no doubt that the Honourable Financial Secretary who is in charge of that section will be very careful with the appointment made to this post.

Moving on, I now come to the section of the Governor's Throne Speech dealing with the Companies Registry. It was interesting to see that the first lines of the speech dealing with the Companies Registry made reference to the Mutual Legal Assistance Treaty. The Hansards of this House will show that I was not particularly happy with the Mutual Legal Assistance Treaty, because, at the time, I felt that the Cayman Islands Government could have received much more than they got. But I am very happy to say that so far, so good we have received nothing but good from the Mutual Legal Assistance Treaty. I am very happy to continue to be wrong in my views of this document and treaty. But I would sound one word of warning - let us not get complacent, or display any blind trust in the United States of America. They are our neighbours and our trusted neighbours. But let us not put down our guards, because the ratification of the Mutual Legal Assistance Treaty has not yet been long enough in effect, if it has yet been ratified by the U.S. Senate, for us to make any pronouncements.

It is also noted, Sir, that in 1987, 18 per cent more new companies were registered, over and above those registered at the end of 1986. It would have, however, been interesting to see the number of companies struck off during the same period.

Mr. President, I would like to associate myself with the view you expressed, that so far it is indeed a vote of confidence in our policy of encouraging clean business in the Cayman Islands that we see so many new banks, so many trust companies, so many insurance companies and so many exempted companies being registered in the Cayman Islands. We want to continue to be a clean destination, we do not want any association with drugs. No part of it. We do not want any association with corruption. Any of that business can go elsewhere, we do not need it in the Cayman Islands. I sincerely hope that we will continue to attract good, clean business to the Cayman Islands, let the dirty business go elsewhere.

It was also good to see that in 1987 the Merchant Shipping (Applicable Conventions) Law was passed. This can only spell success for the Cayman Islands. We can only stand to benefit. I was also happy to learn that Government is in the process of appointing officers to form the nucleus of a Maritime Inspectorate.

With this new legislation, and with the Inspectorate being put in place, I am sure that we will see significant growth as a result of these measures. But as sounded by the Governor in his Throne Speech, we must wait and see.

I now move on to banking.

I am pleased to learn of the new measures being taken to introduce legislation to upgrade the Banking Act. You stated in the Governor's Throne Speech that it is expected during 1988 that legislation proposing some significant changes to the Banking Act will be introduced. This is good news, because banking is one area of our private sector financial operations that we want to keep above any reproach. I am happy to say at this point that we perhaps have one of the best inspectorates in the world under the leadership of Mr. Peter Crooks - a very respected and knowledgeable man. We are fortunate to have a man of his calibre.

The objective, as stated in the Governor's Throne Speech, is to enable the banking inspectorate to extend its supervision over the operation of subsidiary companies, thereby fully meeting our obligations under international supervisory guidelines. This is good news, because we want to gain and maintain the international respect of financial institutions.

I now move on to the subject of the Legal Department.

As in the past, I am very happy to say that we are also fortunate to have a man of integrity, a very intelligent man, a man of knowledge, as head of this department. There are very few times that you approach the Honourable Attorney General on any matter, be it legal or from a common sense point of view, that he is not helpful. I cannot recall an occasion when he was not helpful. I wish to congratulate him publicly for the fine job he is doing, and at this point to also congratulate his good wife for the excellent job she is doing in assisting with the National Trust. May I also offer my congratulations on the recent promotions in that department.

The department produced a considerable volume of work during 1987 - some important pieces of legislation, including the Merchant Shipping (Applicable Conventions) Law, the Labour Regulations and Law and the Building Code. Many of us do not appreciate the amount of work being done in this department. This is why I am happy to see the Civil Servants, like the Civil Servants in this department and other departments of Government, getting a good raise in pay. They deserve it, as do the politicians. They deserve more. And I would also like to see the pensioners given some considerations. With the cost of living going up the way it is doing, they deserve to be given some consideration.

But, there are some of us politicians in this House that work, and work very hard indeed for our people, regardless of whether we are a Member of Executive Council or not, we get things done, and we work very, very hard. Those of us who work that hard, find it impossible to also keep our private office going the way it should - you cannot serve God and mammon. Therefore, in order to do a proper job for your constituents, they need to be given all the time possible. I do not think there is a member out there that really understands the work being done by Members of this House, that would say that any Member of this House is being overpaid. They are not, Mr. President.

Regardless of what anybody wants to say about that, if any Member wants to get up in this House and talk about an increase given to the politicians, let them at this point denounce the increase, let them bring a Private Member's Motion to this House and say that they do not want it, and I would be the first one to second it. Let them say it. I feel, Sir, I can live without it as well as any other Member. So let them get up and say it. But, let us stop using it for politics. Let us stop going around the place saying that we were not part of it. Because every one of us present in that Committee Room voted in favour of the salaries given to politicians. I will have more to say about this if I hear anybody trying to use it for political reasons. I am not going to stand idly by while they use it to feather their own nests, or while they use it to get votes. Let the people know the truth. People know that the half of mine that I get goes back into the hands of my people, because I am sure that there is not another politician that gives more handouts than I do, and I give it from my heart. I wish I had more to give.

Mr. President, I feel that our Civil Servants are doing an excellent job, and I will continue to support them. As I said, I will also want to see something done to help our pensioners.

It is noted, Sir, under the Legal Department, that three students at the Law School will sit their final examinations this summer. I also hope, Sir, that the successes of last year will be repeated and I want to wish all those in the coming year much success in their examinations.

I now move on to the Health Services Department.

One of the areas of concern that has been brought to my attention is the unhygienic handling of food in some of our restaurants, hotels and other places dispensing food. People have told me they have seen rats, roaches and the like all over some of the kitchens. Above all, people coming to this country to work in restaurants and other places that dispense food should come with a clean health certificate. This should be a condition of the work permit. I appreciate, Sir, that a requirement is that the permit holder has to go through having a proper physical and medical examination. But there are certain types of diseases that are not easily detected. There should be special tests done to detect things like AIDS. This is an epidemic that is causing a lot of concern, and I understand that you do not get it through just eating food that

someone with the disease has prepared. But I for one, would not wish to take that chance. I do not think there is sufficient evidence on this. So I would suggest and recommend that all these tests be done to ensure that we guard against this disease as much as is possible.

Mr. President, on the question of AIDS it was interesting to see in the Caymanian Compass of Friday, 19th February, 1988, an article written by one Marilyn Whittaker, captioned "Caymanian believes he has found AIDS cure". I have talked with this gentleman, a Mr. Kenneth Christian. He calls his medicine "Jungle Juice" and he swears by it, that it has already cured or helped to cure some people diagnosed as being affected by the AIDS disease. It cannot hurt our Government and our Health Department to work along with this young man, whether they want to regard it as a bad dream, as a nightmare, as a figment of his imagination, regardless of what they want to say about this, anything that can be done to help cure this terrible disease should be welcomed. I feel that Government should take it upon themselves to have this medicine checked out properly to see whether there is anything in it at all that may be able, even in a small way, to help with this dreaded disease.

I hope, Sir, that in the debate by the Honourable First Elected Member of Council responsible for Health that he may be able to comment further on this particular point.

It is noted that in line with the 1988 World Health Organisation theme "Health for All - and All for Health" that concerted efforts will be made in this field, including promotional activities through the media. It is also noted that forward planning is being done to determine our needs for the future.

One area of concern is also what appears to be a breakdown in administration at the hospital. I feel, and notwithstanding the views of other Members as to how pleased they are with the hospital, my experience has been that the administration needs a lot of strengthening. It is weak in many areas. I do not want in any way for this to reflect adversely on the head of the health services department but I represent my people, and when they complain to me, I have a duty to assist them in any way I can.

Just to show an example of the breakdown in that department, on 19th March, 1987 I personally wrote to the Chief Medical Officer on a very important issue. But it was not until 29th December, 1987 that I received a reply. This is not good enough. Regardless of whether any senior Civil Servant likes or agrees with any Member of this House, they have a duty to work along with the representatives of the people. I was very upset with the way this matter was pushed aside, and in my opinion ignored.

It is also interesting to note that with the arrival of the full time psychiatrist, further developments are anticipated in the mental health services. This being an election year, there will be a lot of crazy people running around, and perhaps it is timely that we are putting a full time psychiatrist in place.

It is also good to note the surveillance and monitoring of AIDS which is being carried out by the educational activities sponsored through Government and elsewhere, and that more staff resources will be applied to this programme.

But, we should be educating our young people, not only at the high school level, but from the time they are in the middle and primary schools. They should have certain basic education in the problems of AIDS and other contagious diseases. Some of us tend to be a little prudish and say that our children should not be exposed to certain information. But we have to give enough credit to our teaching staff to know that they will not give our children the type of information that they should not have. They should get the necessary education so that they will know how to cope with this ever increasing problem.

I must say, while dealing with the Health Services Department, that there have been a lot of improvements in that department over the years, and in particular in recent times, even though I have expressed my views about certain experiences I have had with the hospital. I nonetheless would wish to give credit where credit is due. I have seen a lot of improvements, I have seen new buildings put down there to increase the efficiency and level of service given to our people. I would like at this point to make special mention of the Public Health Nurses Department. I think they are doing a tremendous job. Miss Josie Solomon and her staff are doing a tremendous job. If it had not been for them, I would not now be aware of a lot of problems in my constituency, and I am sure that, as in my case, she has had deliberations, she has had talks with other Members in their various constituencies.

Recently, on a tour of George Town, I saw some conditions which have developed recently that I did not know existed, and these are the conditions that I trust I will be able to show to you before our next meeting in April.

So all in all, I must say that there are many improvements in the Health Department. But there are also the weaknesses which I have brought to this House, and I have showed that there are others that need addressing.

The Honourable First Elected Member of Executive Council has a tremendous responsibility, because his Portfolio is perhaps the largest of the four Portfolios. There is a lot of work in there, Sir. I think that despite the growing responsibilities in this Portfolio that we have seen some very good work and improvements.

I now move along to Education. In the Governor's Throne Speech we see that in 1977, the Department of Education celebrated 100 years of publicly funded education. While I have already publicly congratulated them, I would again through this forum wish to congratulate them on what was a magnificent job done. This was in 1987 and I must thank my good friend, the Second Elected Member for West Bay, for bringing this to my attention. It is good to have some good friends around, even though I know that I also have some enemies. But we will deal with them in time, we will cope with the enemies. We are not afraid of enemies, Mr. President.

I grew up in a little area of Grand Cayman called East End. It was the survival of the fittest. I had to fight my way through school, I had to work very hard, and I have never got anything for nothing, I have worked hard. I have been able to cope with any problems I have had, and believe you me, with the help of God and with prayer, we will cope with the 1988 Election campaign. We are getting ready, Sir.

It is also good to see that a review of primary education is planned, with the revision of basic subject curricula being already under way. But, I am also concerned that within our education system that we still cater to the students of higher intelligence, which form only about 20 per cent of the total numbers going through our system each year. I am concerned for the 80 per cent that are coming out of school with a School Leaving Certificate which means very little. I trust that the introduction of the General Certificate of Secondary Education will cope with this problem more effectively, if we can ever get the issue of the way Caymanians speak settled. But I hope that that problem is now behind us.

I agree with the Governor in his Throne Speech that the effectiveness of our senior schools in preparing students should not only be for examinations but for life. This is very true, it is something that should be in the minds of our educators, and indeed, in the minds of all our people.

The Governor went on to say in his Throne Speech that the increasing expectations of our young people require more emphasis on careers guidance and productive scholastic discipline. They expect much more. They are disillusioned when they come out of school with a School Leaving Certificate that says to them, they believe, that they are prepared for a job in the job market, to be told when they go for an interview that they cannot get the job because they do not have enough GCSE or CSE, whatever, passes. They are disillusioned, and it is my respectful submission that it is because of this disillusionment why we are having so many of our young people turning to crime or doing things that are wrong. What are we doing to help our young people, to train them properly? If they cannot be bankers or trust company clerks or accountants or lawyers, maybe they can be good mechanics, or good seamstresses. They can work in a hotel, they can be trained to do waiting. Our education system must be expanded in such a way that we cater for

the majority of our young people.

We see right now, just reverting back to the Health Services Department, there are two energetic - and maybe others - but two energetic young Caymanians, one understudying the Hospital Administrator, the other one understudying the Chief Environmental Officer. Unless some encouragement is given to those people and to other Caymanians, by way of promotions or otherwise, they will become disillusioned and leave the Service.

It is also interesting to see the Skills for Living curriculum which leads on from the Quest programme started at the Middle School in 1987, that this will indeed be explored in our continuing battle against drugs. We have drugs in our schools also, Mr. President. I believe that this is much under control, but we should not rest until we have completely eliminated it, not only from our schools, but indeed from our society.

It was very profound to hear the statement made by the Governor in his Throne Speech when he said the high schools will always be dependent on the standards set and the foundations laid in primary and middle schools. This is true indeed, Sir. Because the old saying goes "if you want to bend a tree, you do it when it is young". You do not wait until that tree is six or seven or eight years old. You do it when the tree is young. The mind is impressionable at that stage, and this is when we need to inculcate in the minds of our young people the things that are good for them. We need to inculcate true values.

MR. PRESIDENT:

We will suspend proceedings for fifteen minutes.

AT 11:16 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:37 A.M.

MR. PRESIDENT:

George Town, continuing.

Proceedings are resumed. The Second Elected Member for

MR. LINFORD A. PIERSON:

Thank you, Mr. President.

At the break I was still dealing with the subject of education, and had reached a point in the Governor's Throne Speech where mention was made of the B.Sc. degree course in education being presented through the University of Miami which will conclude this year, and that 33 members are looking forward to their graduation ceremony on 30th April.

I too would wish to congratulate those 33 members of the Education Department for having reached this milestone in their educational career. I am sure that this has come as a result of some very hard work indeed, and that they are justly entitled to their reward of being awarded a Bachelor of Science degree in Education.

I was very pleased to see that the Community College will become fully operational by the end of 1988, and that this will be placed under a Board of Governors with the first phase of the new college building on Walker's Road nearing completion.

Mr. President, I feel that it is only fitting that recognition should be given to the person who was instrumental in bringing this about, being none other than Mr. Sam Basdeo, who has headed the Community College programme from its initial stages. I would wish to publicly congratulate Mr. Basdeo for the very hard work he, along with the Education Department, has done in making this become a reality.

I now move on, Mr. President, to the Social Services Department. It is good to see that at long last the Juveniles Law is being completed, and that this will be presented, hopefully, to this House in April. Also, that plans are developing for the construction of a juvenile rehabilitation centre. Such a centre is very, very badly needed. So often we find that because of the lack of facilities in the Cayman Islands, that our children have to be sent to Approved Schools in Jamaica when the occasion arises. Even children in need of care and protection or for other reasons through the Juvenile Courts have had to be held in remand at the West Bay lock-up facilities, which is certainly not proper and adequate for children of that age. So I am happy that despite the loss of a Private Member's Motion brought to this House that Government has seen the need, shortly after that Motion was brought, to commence with this facility.

It is noted also that the Social Services Department continues to expand. But one of my areas of concern is that we need to see more of our Social Service workers in the field rather than sitting in offices. I do not intend to here castigate workers in the Social Services Department, but I would be remiss in my duties as a representative of the people if I did not state that I feel that much more could be done in the field, in helping the less fortunate in our community.

I would however say that I have gotten some very good assistance from certain members of the Social Services Department, and I must give credit, again, where credit is due. But I also feel that much more should be done. I was surprised that it took a Public Health Nurse to bring to my attention and to the attention of other people in this district, the conditions of a lot of our poor people, the conditions under which they are living. In one case I found a man who is believed not to be too mentally stable, living in a little area that was slightly bigger than a coffin. I do not know how the man could turn over in the night. It was an area about two feet wide by about six feet long, and for a toilet he was using the outside yard - the bushes. Those conditions should not exist in this country, and I feel that our Social Services Department should be looking into these matters, that this matter should have been addressed long ago, and that better facilities should have been found for those people.

The Social Services Department - I know they have a lot of work, I am not denying that, but what I am saying is I feel that more work should be done in the field, more work should be done in the community - there is no use trying to rehabilitate somebody after that person has become so hooked on drugs or other problems that all they think of, day and night, is when they can get another fix. It is better to deal with that person on a preventive basis, rather than on a curative basis. When we sit in an office and wait for people in need to come to us, that is a backward step. We should be out in our communities identifying the needs in those communities, and then doing something about them. There are a number of people that are in need in our communities that would scorned the action to let their personal and financial position be known to individuals. They will not go to the Tower Building to let these positions be known. These are people even though poor that have pride, and this is where the Social Services Department should be working with these people, going into the communities, finding out their problems and trying to cope with them. I am not suggesting that some of this is not being done. The point I am making is that much more should be done.

I now move on to the subject of sports. It was good to see that you made special mention that the efforts of recent years to build solid foundations for sports development in Cayman will culminate in the Year of Sports, 1988. 1988 has been designated, appropriately, the Year of Sports, and many of the sporting organisations are doing a tremendous job in their efforts to find healthy and worthwhile activities for the youth. I speak of the Football Association, people like Mr. Tony Scott, Mr. Alan Moore and many others interested doing an excellent job in pulling that sporting group together.

Mention was made by you that we will be hosting the Caribbean Netball Championships. I am happy that I have been a part of that group. Many members of the public will recall that in the late part of last year I sent out letters requesting funds so that we could defray some of the expenses of hosting those games. This is the first international tournament to be held in the Cayman Islands, and this will take

place in August this year. I trust that the private sector, together with Government, will give this group as much support as possible. Apart from the people that will be taking part in the championship, we will have a number of visitors that will come to the Cayman Islands during these games. I was very pleased to have been asked to be the patron of such a worthy and worthwhile sporting group. I want to wish them all the very, very best in the up-coming tournament.

It is also noted that it is planned to complete another phase of the sports complex at Walkers Road and sporting areas in each district will be given attention. If we are going to seriously deal with the question of sports, we will need more assistance and recognition from Government. We will need scholarships given to those individuals who excel in sports, and who put the Cayman Islands on the map. This is done in many other countries, Mr. President, and I feel that more could be done in the Cayman Islands. It is not enough to put them on the front page of the paper. We must show our tangible appreciation to these young people.

I am also happy that despite the recent problems that we have had with the Boxing Association, that this group is now being regrouped and that we plan to open the Boxing Club again very, very soon. We have had to close down the club because we could not find proper accommodation. I am very pleased to say that arrangements are now being made so that we can find proper accommodation to continue boxing for the young men in the district - not only for George Town, but for other areas of Grand Cayman. Again, I was happy to have been associated in forming this club for the young men in George Town. It is a very healthy sport, it is a very competitive sport, and it is a sport for which you have to be physically fit to compete. When we find our young people taking pride in themselves to become physically fit for such a sport, then it reduces any time that they may have to become involved in less valuable activities.

I now move on to Natural Resources.

Of personal interest, and I think of national interest, is that the National Trust is now operational. The Law creating the National Trust was passed in the 1987 Session, and since then we have had much work done by that group. A lot of thanks has to be given to various individuals in the private sector that have made this possible, people that have given of their time, freely, to Government and to this country. People like Mr. Joe Heavener, people like Mrs. Dace Ground and others that have been involved. And people like Mrs. Sharon Pierson, who is chairing the committee for establishing the Fort. There are many others that I cannot recall at present, but I want them to know that I congratulate each one of them for their efforts made and are making in developing what is a major and important part of the Caymanian heritage.

You said, Sir, in the Throne Speech, that this recognition by the Government, of growing interest in the preservation of Cayman's heritage has been met with enthusiasm by the community, and this is very true. I am yet to find anybody that has been talking badly about the setting up of the National Trust. The founding council of the National Trust has been established, and a number of district committees have been set up. I would also wish to congratulate those committees and their chairmen for the wonderful job they are doing.

You made special note that the National Trust is to undertake the reconstruction of the George Town Fort. I would wish to also express my thanks to the legal firm of Maples and Calder and to the Attorney General for all the assistance given. I note here, Sir, that my namesake, Pierson, Heldring and Pierson Limited have generously donated \$5,000 toward the project. Many people have asked if I am associated with that group. I wish I were, Sir, but I cannot take credit for this. I am no part of that group. But I nonetheless wish to congratulate them for this very generous donation.

Moving on, I now touch on the Planning Department.

Mr. President, much has been said about the Building Code, and much will continue to be said. As a former chairman of the Central Planning Authority from the years back as far as 1980, and I am sure before, when I was associated with that Authority, we were trying to set up a group to deal with the Building Code. But unfortunately, for one reason or another, this did not materialise. But I wish to congratulate the Honourable Fourth Elected Member of Executive Council for the efforts he has made in pushing this issue. There is no doubt that we need a Building Code.

I am very pleased to see that this is now, with the amendments that have been made, at a stage that I feel can receive public acceptance. I feel that the Code, in its amended form, will be good for this country. One of the problems we are having is that there are those out there misleading the public, telling them a lot of things that will happen to them if this Code comes into effect. This is wrong. The problem is, some of it is being done by would-be candidates for this up-coming election, and some incumbents, and this is wrong. I will be the first one to knock anything that comes to this House that is not good for our people. But we should be truthful to our people, and not just knock a Member of the Government down or the policies of the Government, just to gain some kind of advantage in the political arena. This is not the way to go about it.

Let us fight our fight, but let us fight it clean and above board. This is why it gives me pleasure to make reference to a letter which appeared in the Caymanian Compass on Friday 19th February, this year, written by Mr. David R. Arch, the Chairman of the Central Planning Authority. For clarity, I would wish to make reference to this letter. It reads:

"Over the past few weeks I have heard and read in the Compass statements about the proposed Building Code that clearly indicates some people are listening to a lot of emotional rhetoric as opposed to facts about the Code. Let me offer the following facts I hope will clear up some of the major misunderstandings about the Code:

1. Only one permit is required to build a single family residence, as opposed to several permits as has been stated by others."

We hear people going around saying for a man to build his little house he will have to have at least 15 permits. This is a lot of rubbish. Nothing could be further from the truth. The Chairman of the Central Planning Authority is supporting the position that only one permit is required to build a single family residence. He went on to say:

- "2. Statements have been made that the Code will not allow a Caymanian to build his or her home, and will not be allowed to occupy a partially built home."

We know the Caymanian heritage, Mr. President, that over the years Caymanians have had to build their houses in stages, when they went to sea. They came home with a little money, they put down the foundation. They went to sea again, came home and put up the walls, and so on and so forth. This will not be discontinued. The Code will not prevent a Caymanian from occupying a partially built home. It will not prevent him. So any statement made to the contrary is an untruth and is completely false.

Mr. Arch went on to say:

"As a result of public comments, the draft was changed to allow people to occupy a partially built house ..."

The first draft included certain undesirable sections. But this was the reason for public consultation, as in the case of the Labour Law. Members of this House or of the public, in trying to clarify this issue, should take into account

that appropriate amendments have been made, that suggestions and recommendations made by the Chamber of Commerce, the architects and engineers, the contractors and others, have been taken into account. Government did not ignore those recommendations. Naturally, all of the recommendations could not be entertained, but I would go so far as to say that the major recommendations were accepted, because I was a part of the group when we met to review the draft Code. I saw the letters that came in to Government, and I made it quite clear in the Committee Room that I could not support the Code in its present form, unless those recommendations were heeded. I am glad to say that since then I have received communications that most of those recommendations were accepted. So let us be truthful about this whole thing, and not try to give the public the wrong impression.

Mr. Arch said:

"As a result of public comments the draft was changed to allow people to occupy a partially built house and build every part of the house except the electrical portion.

The Building Code is not retroactive to existing structures ...".

What that really means is that once the Building Code comes into effect, it comes into effect at that specified date, and that it will have no retroactive effect. It cannot go back to 1986, 1985 or 1984, or any other time that something was built before the Code came into effect. He said,

"... except when there is a change of use, i.e. if you want to use a single family house as a restaurant, you must get a permit for change of occupancy."

There is nothing wrong with that, Mr. President. If you have gone to the Planning Board, and you have asked to have a house built, and later on you decided you wanted to turn it into a restaurant, then you should get the permission of the Planning Board to do this, especially if the house is in a residential area. Because what you would effectively be doing is pulling down the value of that house. So you should get the Planning Authority's permission, and the Authority will also pay attention to any complaints they receive from the public on any matter. This is why this matter, or similar matters, should go back to Planning Department for approval.

Mr. Arch continued to say:

4. You do not need a permit for minor alterations such as replacing air conditioners, light fixtures, etcetera."

You do not need a permit for that. But the public are made to believe that if you want to put a little paint on your house you are going to have to get planning permission to do so. This is not true. Mr. Arch said:

"If anybody was listening at the public meeting they would have readily observed that the staff has made all necessary changes, corrections and clarification to the Code in response to the comments made by the public and the various technical and professional organisations."

Mr. President, this should lay to rest any doubts that anyone should have regarding the Building Code. It is a good document and it is necessary at this stage of our development. We have a lot of people building big structures here, hotels, condominiums, getting a profit on it and some of them leaving the country. If we are not very careful what will happen in 10 to 15 years if those buildings are not structurally sound, if the structural integrity of those buildings is in question? We will be left with the problem.

This Code is not coming any too soon. It will be administered in a new section of the Planning Department, and is with the view to ensuring that the high standards that we have been accustomed to in the Cayman Islands will continue. As I said, there were certain areas of that Code that caused concern, but those areas have been amended.

I noticed that work on the review of the 1977 Development Plan is in progress with a view to producing a set of policy proposals which will be the subject of wide public consultation. I am happy to see this, because in the past, the Development Plan has caused much concern in the country. So I am happy to see that it will be subject to wide public consultation, and will not be rushed into or forced upon anybody.

I now move on to the Agricultural Department, and would wish to congratulate the Portfolio, and in particular, the Honourable Member responsible for the completion of the Farmer's Market; even though I read in the papers that there has been a little problem with it, I feel nonetheless, that this will be ironed out in due course. It is also good to see that an abattoir will provide improved sanitary conditions for slaughtering animals, and that this is also due for completion later this year.

But one area that has concerned me under Agriculture, and this is not intended to be a reflection on any Member of Government, and in particular of the Member responsible, but I think it is a weakness in the general policy of Government in this respect, that local farmers, agricultural farmers, poultry farmers - you name it - are not being properly encouraged to produce. I am not suggesting that our farmers should be given some kind of special concessions or that we should protect them, that there should be any protectionism in its true sense brought to play in the Cayman Islands.

Mr. President, we have products and produce from the Cayman Islands farmers that is comparable to anything that can be imported. Unfortunately, because of the reduced demands and because they do not have the economic advantage of scale, they are not able to produce at the same low price as you will find in the United States of America. But the quality of the product is as good if not superior, and it is a shame that our farmers are having so much problem in being able to keep their businesses going, because of the cost of importing some of the materials necessary. I speak specifically of the poultry farm. I buy eggs from the poultry farm, and they are as good if not better than what you can get imported. It is a shame - the gentleman that owns this farm told me that he was considering closing it down because of the high cost of running it. And I know that he had made certain submissions to Government.

Mr. President, I hope that some consideration will be made to assisting our farmers. If we truthfully want to effectively encourage our farmers in the Cayman Islands, we will have to work with them. It is no use tapping them on their shoulder and telling them that times will get better. You cannot take that to the store. We need to help them in a tangible way.

In this same connection it is noted that many of our farmers are having a major problem getting people to work on their farms. It is difficult to find the necessary workforce locally. It is outrageous to consider getting people from Europe and other places to work in the Caymanian hot sun on their farms. The only sensible areas that we can get that type of labour from is from areas of similar tropical conditions - I am not suggesting any country in particular, I am saying that we have to deal with this matter sensibly.

It was also of interest to see in the same issue of the Compass, Friday 19th February, that the Honourable Fourth Elected Member responsible for Agriculture said at the annual Agriculture Show that one of the big problems facing agriculture appeared to be the difficulty in obtaining work permits for foreign labour. The Member himself is recognising this problem - why is it so difficult for the Caymanian Protection Board to also recognise that there is a problem? Why is it that people who have spent 10 years and upwards in this country are having so much problem getting a work permit renewed? Why could they not have the

facility of having their permit renewed on the basis of being able to have a proper person make an application on their behalf? Why should this not be made a policy of Government, rather than again being a discretionary matter for the Protection Board? This should be a policy, if a man has lived in your country for ten years and has behaved himself and is needed to do a certain job - not for himself only - but for a Caymanian business - I am talking about the assistance to Caymanians. Why should he not be given the help he needs?

The Honourable Fourth Elected Member went on to say in his speech at the Agriculture Show:

"A recommendation is now being made to Government and the Caymanian Protection Board that farmers' requests for imported labour should be channelled through the Department of Agriculture, so that they can give their observations and support."

I do not agree with this, Mr. President. With respect - and I have a lot of respect for the Honourable Member - I do not feel that the farmers should be relegated to that state where the only way they can get a permit approved is to go through the Agriculture Department. The Protection Board should respect the views and applications being submitted by these honourable men and if those applications comply with the requirements of the Protection Law, then the Board should treat them as objectively as possible. There should be no need for them to go through the Agricultural Department. The Agricultural Department is in no better position to determine the need of those farmers than the farmers themselves. The Honourable Member also stated, in support of what I have just said, that farmers are calling on Government to protect the local industry by increasing tariffs on imported eggs. But I was pleased to see that the Honourable Member said:

"I will shortly be seeking the views of the Legislative Assembly on this important matter."

You have got to give credit where credit is due. He is not sitting on his laurels, he is stating here that he recognises it is a problem, and that he intends to deal with it at the very highest level. I must congratulate the Honourable Member for his views in this respect.

But, while it is appreciated that the farmers may be seeing a little light through the tunnel and will be given some help, the question remains, what about our other citizens that require permits to help them in their businesses, in their homes and in other areas, in the development of the Cayman Islands? What about those people? Who will they channel their applications through? Is there going to be a body that will examine their applications before they are submitted to the Board? Mr. President, I am very concerned about the situation that is developing with regards to the issuing of permits. It is not only affecting one area of people, but it is having an effect right across the whole spectrum of our workforce.

Mr. President, I now move on to the section of the Governor's Throne Speech dealing with the Mosquito Research and Control Unit.

At this point, I would again renew our esteem and congratulations for that individual who has done more for the economy of the Cayman Islands than any other single individual. I speak of none other than the late Dr. Giglioli. Had it not been for him, our tourism today would not be what it is. Coupled with tourism is our other financial sector, because they are mutually inclusive, you cannot pull one away from the other. People come here to do banking, and spend time on the beach as a tourist. They come here to spend time on the beach as a tourist, they invariably go and open an account in a bank. So it is all wrapped up together, and it was Dr. Giglioli who sacrificed everything he had, perhaps even his life, to put us where we are today. If we were accustomed to putting statues in memory of people, I would recommend that his be one of the first to be erected in the centre of George Town.

It is also noted, Sir, that a new electronic guidance system for aerial spraying is in use to ensure that larvicide is accurately distributed over remote mangrove areas where ground marking is difficult. I think it was the Member for North Side who expressed dismay that spraying was not as effective a means of controlling mosquitoes as it should, mainly because the spray from the spray planes in a heavy wind blew out to sea, and it did not benefit the targeted area. I am also happy to see that the dykes in the Barkers area will be upgraded, and I hope too that this same attention will be given to the dykes around George Town and in other areas of the Island. It is a shame to walk through some of those dyke roads and see the garbage that is being dumped in those dykes. You would have thought that people would have more ... I do not know the word, Mr. President, but they would have more interest in their country ... they would have more pride in their country. It is a shame to see the old tins, plastic bags and all kinds of garbage being dumped in those dykes. Our people should have more pride. And they should also understand that all they are doing is building a base for the mosquitoes to breed in.

As a side issue, and while it comes to mind, I was dismayed - and I will no doubt deal with this under Communications and Works, but so that the Honourable Member might be able to do something about it during our lunch break, it was brought to my attention yesterday in church that the bench the public used to sit on by the post office has been removed. This used to be used by people travelling from East End, Bodden Town and other places, waiting to catch a bus or just resting. A lot of tourists use that bench. It could be that it is being repaired, but I trust that for the benefit and convenience of the public that this bench will be put back, because a lot of people used to use it. I can appreciate that maybe a few undesirables sit there, but this is a matter for the police to ensure that we do not have any problems around that area of George Town. This was a public facility, and I feel that it should be put back in place.

Thank you for your indulgence in that matter, Mr. President, I now move on to Water and Sewerage.

Congratulations are in order again on the completion of two large and important projects this year under water and sewerage: the West Bay beach sewerage system, which is Government's largest single project to date, and the George Town piped water supply. As mentioned earlier, I am somewhat concerned at the charges being levied for sewerage in the Whitehall Estate area and along West Bay Road. The basic and major reason for the sewerage system in that area was because of the major hotel and condominium structures in that area, and the contamination as a result to the ground water. I am not suggesting that all the costs should be borne by the hotels and condominium developments, but I feel that some consideration will have to be given by Government in structuring their rates in a more acceptable manner so that people are not charged exorbitant sewerage rates or water rates. This sewerage is a facility that is needed. It is a facility that, in that particular area, will be mandatory for people to be hooked up to - therefore since they have no choice in the matter, great care will have to be exercised that they are not exorbitantly charged for this service.

I am very happy to see that the George Town water project has begun distribution to the public although it is recognised that the work will not be completed until later in the year. As expected, I was not surprised that my George Town residents showed an extremely positive attitude to this, because I am fortunate to be representing some of the best and most reasonable people in the world. So I was not surprised at all that they accepted this with the enthusiasm they did. But I will be watching very closely to see the charges that are levied on them, because, again, there are certain individuals in need of this water that may not be in a position to pay the full rates. I feel, again, that Government will have to give some consideration to those individuals in some form of subsidy.

I now move on to the Agricultural and Industrial Development

and Housing Corporations.

My position is no secret with regards to the Housing Corporation. I have expressed my views on this many times in this House, and the Honourable Member responsible for this section is quite aware of my feelings. This was the reason why I found it necessary to bring a Private Member's Motion to this House dealing with this specific subject - the subject of Low-Cost Housing. But, alas and unfortunately, we have only seen fit to have one meeting of the Committee appointed to deal with this matter since that motion was passed. Again, it appears to me that this may be pushed on a back burner, as have other motions which I have brought to this House. I know that there is so much that can be done and no more. I also recognise, acknowledge and appreciate that the Government has had a tremendous amount of work to do, and have done a tremendous amount of work, but I am still convinced and still feel that the question of low cost housing in this country should be given top priority.

There are many of our people suffering. It is easy for us to find those people. It is a small area, you are talking about 22,000 people over the Cayman Islands' 100 square miles. It is not difficult to identify the poor areas in George Town, West Bay, Bodden Town, North Side, East End and Cayman Brac. It is not difficult. And this is one of the areas that the Social Services Department needs to become more involved with. They need to go out there, identify these areas, report them to the Portfolio and have some action taken. If Government, tomorrow, decided to build ten one-bedroomed houses, perhaps another ten two-bedroomed houses, we would take away a lot of the problems that are now being experienced by our people. We are talking about an investment of perhaps \$200,000 to \$300,000. But we are talking about the health and welfare of our people. And it is our responsibility to look after them, that is the reason we have been put as their representatives in this House, they expect that we will look after them.

I do not feel, as I have said in this Honourable House, that the Housing Corporation is dealing effectively with this problem. I know that they have brought forward some new plans, but those plans are ignoring those individuals who are not in a position to pay to have a home built. Some of the people are being told that they can get up to \$55,000 or whatever, but that they need collateral, they need to demonstrate to the Housing Corporation that they can meet the monthly payments. Some of those people can hardly find food to put on their tables, much less find \$400 or \$500 a month to pay to the Housing Corporation. This is not a matter for the Honourable Fourth Elected Member alone, this is a matter that must be dealt with by the whole Government bench and other Members of this Honourable House. We cannot put the blame on him alone. We have to accept responsibility equally for our people. We need to give him the support so that he can deal with this matter.

There is no question that many of us here are not aware of the problems faced by our people because we do not even walk around our constituency. In that example I gave this House a few minutes ago, I know of a gentleman that is living in an area that I would not let my dog sleep in. That is not right for our people. A country that prides itself on the Caymanian way, a country that has one of the highest standards of living in the world, and some of our people are living under those conditions - there is no excuse. I want the Government to look seriously at that Private Member's Motion that was passed in this House and let us deal with it now. If it is necessary for us to gather the statistics on these people, that is the job of the Social Services Department. Let them get out of their offices and do their job. We cannot continue to ignore those people.

I know of a lady in Rock Hole who has built her bed up so high trying to make it more comfortable that at her age she can no longer get on top of it. She is sleeping on the floor. I know of another case in Rock Hole where the outdoor toilet facilities were so bad that the little girl who used it ended up in the hospital from an infection. Is that the kind of society we feel proud of? What is our Government doing about it? I will continue to address these matters until I see something effectively done.

Mr. President, our people are a proud people. We cannot wait for them to come to us, let us go to them. In the byways and the highways I was very happy to be associated with a group of honourable men of the Rotary Club of Grand Cayman Central when we assisted in building a fine little home for a family on Shedden Road. A lot of people spread it around the place that it was a political gesture. But if I never get elected to this House again, I can rest and be happy that a family in George Town can now live in comfortable conditions.

Before I ever thought of politics, people knew me to be an individual that believed in helping my people. I did not need politics for that. I am not like some Members who lost the last election and walk around the place saying that they will not help anybody because they were not elected. If we have the interests of our people at heart we will help them regardless of politics. Let us put politics aside and get a little bit of heart. Let us walk around and try to help those people, let us stop looking down on them by saying, "oh, that person has no sense, that other person is an idiot, that other person is a drug addict", that is the attitude pervading. Mr. President, it is a very negative attitude that has no place in Caymanian society. It is not the Caymanian way. I surely and sincerely hope that more attention will be given to those of us Caymanians, to those little people out there who are depending on us, who are not in a position to help themselves and they are depending on us to help them.

I was happy to see what the Rotary Club of Grand Cayman could do for that family. I was happy to be one of the major forces behind it. I am not going to suggest that I was not a force behind it - I was. But I feel justified that we did a good thing. Other than providing sleeping accommodations, it helped to upgrade that whole area of George Town. It was known what that little shack that was there before was used for. Many people knew that. But yet nobody wanted to take the bull by the horns and do something to help the situation. Mr. President, I am committed to seeing the condition of our people improved regardless of their social or ethnic backgrounds. The living conditions of our people must be improved. I will not rest, whether in or out of this House, until I see something done to help the conditions of our people.

MR. PRESIDENT:

Proceedings are suspended until 2:15 p.m.

AT 12:45 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:15 P.M.

MR. PRESIDENT:

Proceedings are resumed. The debate on the Throne Speech, the Second Elected Member for George Town continuing.

MR. LINFORD A. PIERSON:

Thank you, Mr. President.

At the lunch break I had completed my debate on the section of the Governor's Throne Speech dealing with the Agricultural and Industrial Development Board and the Housing Corporation, and was about to commence my debate on Lands and Survey. But, before moving on to this subject Mr. President, I wish to comment on a situation which is pervading the Cayman Islands with regards to conservation.

I have, on many occasions in this House, supported measures aimed at preserving and conserving our natural and God-given heritage. I was one of the major proponents for the Marine Parks establishment when that Bill came to the House. There comes a point when we must weigh reality and decide on the cost benefits of preservation and conservation as against the normal development that must take

place in a developing country.

I have heard in this House remarks made regarding Little Cayman and other areas. I hope that Little Cayman will get the same type of opportunities, development-wise as Grand Cayman or Cayman Brac, and that no Member of this House will see Little Cayman as a place that is going to be a bird sanctuary or some amusement park or something of the sort. We must look at Little Cayman as an integral part of the Cayman Islands. Our Development Plan should apply to Little Cayman and Cayman Brac in the same way as it applies to Grand Cayman.

I have also heard plans of development in the eastern area of this Island, and as well, comments made that these developments cannot take place because of the fear of killing a few Iguanas. We have to weigh these considerations very carefully when we are considering plans for \$150 million worth of development as opposed to preserving a few Iguanas - common sense must be used, Mr. President. Also, along the North Sound we have seen the Yacht Club's development. I had the pleasure a week ago of driving in there. I was very pleased to see the quality of development in that area. We can be justly proud of the work that is being done by the developers.

When we hear people running around the place talking about conservation, they must also understand that they alone are not the only people interested in this country. There are many of us that have nowhere else to go, but we also have to weigh the pros and cons, the advantages and disadvantages to the economy of controlled development. I have the greatest respect for conservationists, but they must understand that if we are to continue with our development, that certain development costs to the ecology and to the environment, will take place. There will be certain damage, and this cannot be avoided. But in all cases, I would suggest that this be minimised as far as is possible.

I move on to another subject, and that is the Social Security Scheme. The Honourable the First Elected Member of Executive Council read a statement in this House which I think was most fitting and timely. There are many people in the public sector, in the private sector, citizens that were concerned about the draft scheme in its present form. I was happy that the Honourable First Elected Member of Council saw fit to clear this matter up. I would like to refer to an editorial which I thought was well done that appeared in the Caymanian Compass on Friday the 19th February, 1988. It reads: "Social security is still a real need." This is very much in support of the way many of our Members feel, including myself, that there must be some form of social security to protect our people. I cannot say that I am 100 per cent in favour of the present draft, I am not, but like many other Members of this Honourable House, I recognise that something needs to be done to protect our people in their old age. The editorial reads:

"It seems sensible that the introduction of the controversial proposal for a national social security scheme has been delayed until certain changes can be made.

In the course of extensive consultation and public debate, many people have pressed for provisions to allow people to opt out of the national scheme if they have other satisfactory arrangements in place.

This made the question of portability all the more important - it would not be sensible to have people pay into one scheme and lose their rights to benefits if they changed employers."

This is very important, Mr. President. Under the Government scheme, the question of portability is in place, provision is made for the transfer, if necessary. But in many of the private schemes, if the individual has worked there for ten, fifteen, twenty years, and for some reason or another has to move to another job, it looms a major question as to whether they could transfer the benefits they had built up under the pension scheme to another work place. So this is where the question of portability comes in.

The editorial continues:

"The point of the proposal was, after all, to ensure that everyone had some form of social insurance.

Perhaps now is the time for the private sector to come up with a good alternative or supplementary proposals if a compulsory national scheme seems unacceptable to them."

Mr. President, we have heard a lot of criticism being levelled at Government on the draft social security scheme, and perhaps, some of those criticisms are justified. But I am submitting that if there is a body such as the Chamber of Commerce or other groups that have a better way to do this, then it is their duty to come forward and make this way known. Anybody can sit back and criticise, but if they have the interest in this country that they purport to have, then they should come forward with their better scheme. The editorial continues:

"Meanwhile, we hope that the matter will not be allowed to fizzle out and be forgotten."

And I hope not, Mr. President.

"The original proposal for a national scheme may not have been the perfect solution to the problem, but the need is real enough."

And I agree 100 per cent with the Compass.

"It seems to be generally acknowledged that there has to be a better way for all people to provide for their old age. If nothing is done, many people may eventually find themselves with too little or no income to survive in the final years of their lives."

I would say at this point, that Government has to be commended for taking this matter in hand at this point in time. It is being done in the interests of our people. I am not here to suggest that the draft was a perfect plan, but it is an honest attempt to try to put a proper plan in place. If any of us have any ideas we feel that can improve that plan, it is incumbent upon us to come forward with those ideas. But not to sit outside and criticise. If we have the interests of our people at heart, let us come forward with our ideas.

The editorial continues:

"In the end, a caring society such as ours would feel compelled to provide for such people in some way, Government welfare being the obvious answer."

Do we want a welfare state in the Cayman Islands? Mr. President, we see the danger that this has caused in many

countries that have adopted the welfare state. Large welfare rolls would present extreme strains on Government's resources, since Government can only give what it first takes from somewhere - the cost would be borne by everyone in the end. And I agree with the summary of that editorial:

"The time to avoid this is now by making sure that all productive citizens make arrangements one way or another to ensure that they will not end up on such welfare rolls."

Mr. President, this is a matter which we have put on the back burner for the time being, but I hope that very soon it will be treated as a priority. I am not suggesting, and I have spoken out against the first draft of the national social security scheme, but something is needed. I would invite all interested parties, the Chamber of Commerce and any individuals out there who feel that they have the answer or even some good suggestions to come forward. They owe it not only to the Government but to themselves and to their fellow Caymanians.

I now move on to the section dealing with Lands and Survey. I would like to congratulate the staff for the good work they are doing in this department. It is noted that 1987 was a record year for transactions, with revenue from Stamp Duties increasing some 50 per cent over the previous years. This department is a true indicator of the growth in our economy - the number of transactions, the land sales, the transfer of other property is a sure indication that the economy is vibrant.

The Turtle Farm. Even though jokes have been made about the three crocodiles at the Turtle Farm - they were even named Vasselman, Benner and Charlson - I think that the Turtle Farm is doing a tremendous job and I am happy that those broad minded Members of Executive Council took it in their stride. Everyone that heard it just smiled it off - nothing to be worried about. They are committed to developing the activities for our tourists, and that was one area in which they were able to do that. The Governor's Throne Speech said that, "this should attract more visitors to the Farm and improve its income, and that the Board believes that the operation will become financially viable during 1988." This is good to hear. Even if we can maintain a break-even point it will be good for this country to keep the Turtle Farm open. Hopefully those conservationists up north will soon realise that to ban our turtle and turtle products is a big mistake, and that they will lift this ban during this year.

Tourism. At this point I wish to congratulate the Honourable Second Elected Member of Executive Council, Mr. Norman Bodden, for the tremendous job he has been doing in this department. Tourism is most essential to our future development. It is believed, and maybe the Honourable Financial Secretary would differ with me on this point, that the financial sector, that is, the banks, trust companies, insurance companies, etcetera, carried the major part of our financial activities in the past. But I do not agree with this view. I feel that tourism, if it has not yet overtaken the banks and trust companies in regards to revenue to this country, whether it be through fees or other indirect forms of revenue coming to this country, that it will soon do so. Because we have reached the point of saturation with the banks, where there is very little room for bringing in more banks or developing further. What we can do is perhaps broaden the base of operation of some of these banks, but I believe that we have a fair representation of most of the major banks in the world today. Tourism is going to be the sector of our economy that we will need to put more and more stress on. We will need to develop and encourage it.

The year 1987 was our best year for tourism. Despite the problems in North America, despite the problems in other countries and the major stock exchanges, the Cayman Islands continued to attract more and more tourists to this country. While I do not want to glory in the downfall of some of those countries, I have to say that the problems in North America with the Dow Jones Industrial average, in Japan, in Germany and other major stock exchanges, can only benefit the Cayman Islands, because many of those people that would have invested in stocks and securities will now be coming to the Cayman Islands and investing here. If not putting their money in the banks they will be investing in real estate. So their downfall is our gain, and as I said, I am not rejoicing in this but they have to have somewhere to invest their money.

"An increase of 10 per cent in tourist arrivals is expected in 1988. Arrivals by air total over 200,000 during 1987, which was an increase of 26 per cent over 1986." These are very impressive statistics, Mr. President. And this also speaks well for our stability, because we cannot fool ourselves, we have done a lot in developing this country, but had it not been for the association we have retained, which we have maintained, with the Mother Country, we would not be enjoying the growth and stability that we have today. I say that on the basis of what has happened to some of our neighbouring Caribbean Islands that felt that they could go it alone, they were mature enough to get independence. We see what independence has done for those countries. We are fortunate to retain our links with the Mother Country, and long may this be. Any talk of independence at this stage would be foolish. People should be locked up for treason if we hear any of this.

Confirmed schedules for 1988 already project that 306 cruise ships are expected to visit here during this year. Mr. President, I noted in the local paper that Sandals will have to cut back on the number of rooms originally planned. This highlights the need for us to be very careful that we do not price ourselves out of the market. One of the reasons why they have had to cut back is because of the high cost of labour in this country.

It is also noted, Sir, that the Department of Tourism will appoint resident sales representatives in Baltimore and Boston in early 1988. I hope that the Honourable Member will also consider putting some more pressure on to get direct flights out of Montreal and areas in central Canada.

Many times we do not see the amount of work that is being done by these departments. Mr. President, the results are here, and the results would not be here if the necessary hard work had not been done to make this possible.

I now move on to the Civil Aviation Department, and would wish at this point to congratulate the Director Mr. Sheldon Hislop and his staff for the efficient manner in which that department is run. From a personal point of view, I would like to say that I am also pleased to see that greater attention is being placed on the care of the flowering shrubs, namely the oleanders around the perimeter of the airport. The Honourable Member is aware of my concern because it was in 1983, just before the Queen's visit here that we formed, under my chairmanship, a committee called the Cayman Beautification Committee, and the main thrust was to beautify the Island for the visit of the Queen. We were also responsible for the welcome sign that was placed at the airport. But I was very disheartened a few months back when I saw those shrubs all chopped up. I understand that this was a mistake - some members of the Public Works Department had gone up there with a machete and chopped the shrubs down. But I have been guaranteed by the Honourable Member for Tourism that this will not happen again, and that better care will be taken of the shrubs around the airport.

The U.S. Weather Bureau has served us well, and I would at this point wish to congratulate Mr. Frank Roulstone Jr. and his staff for the faithful work they have done over the years, and to wish him God's richest blessings on his retirement, and on the retirement of other members of his staff.

It is also good to see that training of Air Traffic Controllers continues. In this day and age when there seem to be so many crashes around the world, we would wish to see our controllers as highly trained as possible.

My congratulations are extended also to Mr. John Tibbetts for gaining distinction on his 22 month Meteorological Forecasters' course. I extend my congratulations to this fine

gentleman.

The Fire Department. I feel that this department is one of the best run departments in Government. We are very fortunate to have a gentleman of the calibre of Mr. Kirkland Nixon as head of this department. He has done a tremendous job and so has his staff. It is good to see that a fire prevention training programme for all schools will be carried out. I was happy to see that the West Bay substation is due to become operational during the first quarter of 1988. As a matter of fact this will be opened this afternoon. My congratulations to the three Members for West Bay, and also for those of us who supported this station. Also it is noted in the Governor's Throne Speech that barring unforeseen circumstances the George Town Central Fire Station will become operational in August 1988. Mr. President, these are all good signs of our development.

I now move to the subject of Labour.

Mr. President, it is good to see that the public is now accepting that the Labour Law is most essential for the development of this country. During 1987, 129 complaints and disputes were received by Labour Officer and resolved informally and 402 unemployed persons registered. But, I was a little upset to see that of the 43 school leavers registered in 1987, 14 have not yet found employment. The reason given for this was due to lack of qualifications or lack of interest in available employment. The lack of qualifications has to be a problem with the school system, because the children should be properly guided in their career counselling, they should be channelled in the stream they are most suited for. The lack of interest in available employment is also a weakness in the careers guidance. Children should be told their potentials and what they are capable of doing, but when they leave school with a School Leaving Certificate and they are not told that they are not capable of doing certain things, they come out with the wrong impression, and they become disillusioned when they find that they are not able to get the jobs they feel they should get.

I want to congratulate the Director of Labour for the good work he is doing. I had the pleasure of sitting at a Rotary meeting recently when the Director of Labour explained the Labour Law, and he did a good job indeed. It is not going to be easy. But we should all work together in trying to assist in explaining this law where necessary. And again, as in the case of the Building Code, it is not as complicated as some people would make it appear to be.

I was pleased to see an article that appeared in the Caymanian Compass on Tuesday 16th February, 1988, which was written by Mrs. Joy Baker, and it was a very good article indeed and the Compass has been doing a tremendous job in trying to educate the public on the Labour Law. In a summary she had here, "What the law means to you if you are an employee" - these are points a lot of people do not know out there, that they are somewhat confused about - "the standard work week is 45 hours. At least two weeks paid vacation leave per year". These are the things contained in the Labour Law that should be brought to the people's attention. "Ten days' sick leave, double pay for public holidays, overtime will be paid at one and a half times the regular wage rate, three months maternity leave and 20 working days on full pay". It also contains provision for severance pay of one week for every year employed. "Provision is also made for the opportunity for compensation for unfair dismissal". This is if you an employee.

A lot of employers say they have no protection under the Labour Law, but she went on to also state the position if you are an employer. "Employees must be given a statement of employment detailing terms and conditions of work. Records of dates of hiring and termination of employees must be kept. Companies with more than ten employees must keep records of time worked, leave and wages paid. Managerial and professional staff may contract out of the requirements for public holiday and overtime working. You may require doctors' certificates to support sick and maternity leave claims". I could hardly see where this would be necessary if somebody had applied for maternity leave, because that should be quite obvious - but it is here nonetheless. "You may defend claims for unfair dismissal and appeal decisions made by the Director. You may fire, without notice, for serious misconduct. Give written warnings for lesser misconduct and for unacceptable work standards". She went on to say, "You must make efforts to ensure the health, safety and welfare at work of your employees".

Mr. President, this is a fair law. It not only makes provision for the employees, but also protects the employers. So let us not listen to anyone who would try to tell us otherwise. It is a good law, it was legislated not only to protect employees but for the good of the labour force generally.

I now move on to the District Administration.

I am happy to note that 1988 appears to be more promising for the people of the Sister Islands than in the past, and also that unemployment in the construction industry which existed a year ago, is no longer evident. This is a good sign, and I am happy for the people of the Sister Islands. Also, as mentioned earlier in my debate, the new airport terminal is scheduled for opening in 1988.

The Postal Department. As a part of this project, I trust that Government has not forgotten or pushed the idea aside of the possibility of a multi-storey car park above the Post Office Building, or in some close proximity to central George Town. This is very much needed. One has only to look around George Town and you can see the problems people are having with parking. So I would hope that this would also form a part of Government's plan when they commence construction on the new General Post Office. As soon as the multi-storey car park is completed, I would wish to see the area between the Courts Building and the Bank of Nova Scotia turned into a proper park with ficus trees planted and the area cobble stoned, so that people could find areas to sit and relax. And at some point, maybe we can pedestrianise Albert Panton Street. I think this would be a good move, Sir.

The Port Authority. My congratulations to the Director of the Port, Mr. Errol Bush for the very good job he is doing in that department, and to his very abled staff for their support.

I find that I am nearing my four hours limit, and this is the reason, Sir why I am having to speed up a little here. I think I have about ten minutes left from my reckoning - twelve minutes, thank you Sir.

Public Works Department. My congratulations to the Honourable Third Elected Member of Executive Council for the very good work he is doing in this department.

At this point it would be appropriate to say that we are losing a good man in his announcement not to run for re-election. He and I have not always seen eye to eye, but both of us have agreed to differ on points we do not agree on. All in all, we have not lost respect for each other, because I still have the highest level of respect for this gentleman.

It has not been an easy job for Public Works Department with the many capital programmes they have on the slate, and also with the tremendous work load they have had in the building and repair of roads. It is good, Sir, to see that emphasis will continue to be given to training Caymanians for technical careers in the Public Works Department.

It is noted that the 1988 Capital Roads Budget which totals \$1 million is an increase of 29 per cent over 1987. This is a good, positive step in the right direction, and can only spell good for our future.

The Master Ground Transportation Plan is a very professionally done document, very comprehensive, and I am aware of the time and effort that have been put in by the Portfolio of Communications, Works and District Administration, in addition to the experts we had here preparing this plan. There was full consultation all the way and this is good. I feel that the way it progresses will depend largely on available loan and recurrent funding, but whether we do it now or whether we put it off, it is inevitable, we will have to take a serious look at the development of our whole road system. The Master Ground Transportation Plan was really not too soon. It is a timely document and it is one we should take very seriously.

It is noted that depending on acceptance of the

recommendations in the report, that proposals to amend the Roads Law, including in regards to compensation for land which Government wishes to acquire, will be presented to the House in April this year. There are many going around trying to make people believe that their lands will be taken away from them and that they will receive no compensation. This is not so. This is one of the reasons why the amendments to the Law will be brought here in April, to ensure that the people's rights are protected.

There is no intention of taking away people's land from them. It is inevitable that some land will have to be used if we are to cope with the problems facing us, but in the cases where land has to be taken or acquired, the individuals will be properly compensated. Government will not just take their lands away from them and the compensation will not only take into consideration the market value of the little piece of land taken, but it will also consider any damage done to the whole property as a result of a road going through a particular plot of land. Government can be no fairer.

I too wish to associate myself with your sentiments when you said that you pray that Almighty God will continue to guide and bless the people of these Islands. I also hope that this will be the case. But I believe that because of our Christian heritage, our Christian way of life, that the Lord will continue to smile on us.

Before taking my seat, I wish to make my position well known for the 1988 Election. I do not wish to leave any doubt in anybody's mind - that is not the way I operate. In 1984 I ran as an independent candidate. I did not run with a slate of candidates in the 1984 Election. On many occasions I have supported the Government bench on issues, as I have supported the Opposition on issues if I thought that those issues were good for my people. I want it to be clearly understood that I have made up my mind what course I will be taking in the 1988 Elections. I will be supporting the Government bench and the backbench supporters. This came with a lot of soul-searching, and I feel that because of the work I have seen done by these fine gentlemen that I would wish to associate myself with them. I am happy that they also feel the same way about me. As far as the slate of candidates with whom I will run goes, it is a little premature for me to make a statement on that at this point. But I hope that in the April meeting of this House that I will be in a position to make such a statement.

Mr. President, again, regardless of who teams up with whom, I hope that this campaign will be run in a very clean and above board manner. I do not, as I have said earlier, believe that the God-fearing people of this country want to hear any more of the mud slinging that they have heard in the past.

I want to wish each incumbent Member who may decide to run in 1988 the best of luck in their preparations for that date. Those retiring, I want to wish a happy retirement. And, Mr. President, I trust that whichever way the pendulum swings that we will be determined to come back into this House, those of us that are fortunate to be returned, and work in the best interests of our people.

May the Good Lord bless and keep us, and may he make his face ever to shine upon us.

Thank you, Mr. President.

MR. PRESIDENT:

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, I have been afflicted with the 'flu', which took hold of me a couple of days ago, and because I have a public meeting scheduled at Bodden Town tomorrow night and another one scheduled at Savannah for Wednesday night, I will probably not be able to use up the full four hours as the previous speaker has done. Nevertheless, I have much to say and will be able to say it without using too many congratulations.

Your Throne Speech was a disappointment, to say the least. It never addressed itself to any of the vital areas. It seemed to have been professionally written to downplay areas that needed expansion and to cover up areas that needed to be highlighted. For example, there was no mention of Bodden Town in your Speech. This is understandable, because no Capital Works are scheduled for Bodden Town during this year. Very little or nothing has been done over the past three years, and this is an indictment against the political side of this present administration.

In November 1984, I met in Bodden Town with the four Elected Members of Executive Council. They wanted to find out what I thought should be done in Bodden Town over the next four years. We discussed at that time four projects and it was my hope that at least one of them would have been tackled over the four years. We talked about a playing field or football field which would be behind the Civic Centre in Bodden Town, and nothing has been done about it. That had been an on-going project of the previous Government, in 1980 or maybe before, that had bought that parcel of land, they had built the Civic Centre on it, and they built a Police Station. The Civic Centre had been built with changing rooms that could be locked off from the main building, and there was sufficient land to build a playing field - I think it is something like 4.25 acres. All that is now necessary is to fill the land and nothing has been done.

We spoke at that time about a boat ramp for the launching of boats in Bodden Town, and I indicated to Government that I would be willing to lease, for one dollar a year, a piece of land which I thought would have been suitable. I have heard since that that the parcel of land was too narrow because it was only 18 feet on the road. Nothing has been done about it.

We spoke about the clearing of the channels and at the present time there is no channel in Bodden Town but what needs some work done - nothing has been done.

At that time we spoke about a road at the back of Bodden Town and nothing has been done.

Just before the November Election the Government had ordered an aerial survey with the intention of the construction of this road and other roads on the Island, including the one on the West Bay peninsula and nothing has been done. One year later, in 1985, I was again invited by some of the Executive Council Members to go to Bodden Town and to tell them what we needed. I think I must have mentioned three of those four projects. Of course, nothing was done.

In 1986 I received a letter saying that it was Budget time and asking what capital projects should be done in Bodden Town. I wrote a reply which simply said the projects I would like to see completed are the projects we were unable to have completed during the last two years.

Again during Budget time in 1987 we went through the same formalities and there is still not one iota in the budget for any of these four projects. To my mind this is an indictment against the political whims of the Elected Members. They appear to believe that if they do capital projects in Bodden Town it may help Jim and Haig Bodden to get re-elected. If they do not do them we will not get elected. Well, I have bad news for them - we will get elected despite anything they can do. It is not the two of us who will suffer, it is the Bodden Town public that has suffered, because part of Government's money, has been collected from the Bodden Town people but has not been spent on the Bodden Town people. The bulk of the money, has been spent in the districts from whence came the Elected Members of Executive Council. I would not dare to say that they were seeking their own personal aggrandizement - I would never dare to mention that. But the plain fact is, the money has been spent in those districts, and we have gone back to the old merchant days when the Island ended at Crewe Road - although a few little crumbs were thrown to North Side.

There was no mention in the Throne Speech of Cayman Airways, and this again is an indictment against the political side of Government. We know that your Throne Speech is approved by Executive Council.

MR. PRESIDENT:

Could I interrupt you - would that be a convenient moment to

break?

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 3:35 P.M.

MR. PRESIDENT:

Continuation of debate on the Throne Speech. The Second

Elected Member for Bodden Town, continuing.

MR. G. HAIG BODDEN:

Mr. President, there has been no mention of Cayman Airways in the Throne Speech, the most important link in our economy. Perhaps this is because of the sorry deterioration of the airline over the last three years. I heard no congratulations offered to the people who made Cayman Airways what it is. The office staff who worked untiringly over the years, some of them have worked for many years. The pilots and flight attendants and even the Honourable Member for Tourism himself who made a major contribution to Cayman Airways. You know, the thought struck me when I saw the announcement in the paper that he would be given a decoration from the Queen, that she had been misinformed, for the decoration which he received should have come because of his work when he was manager of Cayman Airways, and not for his being now in charge of that Portfolio.

MR. PRESIDENT:

If I may interrupt you one moment - some Members are raising their eyebrows - what you have said is just marginally within Standing Orders. It is not a criticism of the conduct of Her Majesty, it is a criticism of the timing - that is acceptable.

MR. G. HAIG BODDEN:

Yes, Sir, I know that.

I think that the Honourable Member, when he was manager, helped to build Cayman Airways as well as other people who worked along with him. But it is my belief that by not mentioning Cayman Airways it has happened that no Member has noticed it and Cayman Airways has not come in for any criticism during this debate. Although the service to Cayman Brac and Little Cayman has been all but wrecked because the airline made the mistake of giving away, for little money, the very serviceable Trilander and purchased an obsolete and a lame duck aircraft known as the Shorts. They have reduced the pay load by half from Little Cayman to Cayman Brac, as the Shorts, because of its weight, is only able to take about half of the passengers the Trilander could take into Little Cayman. We saw the fiasco with the 737 where we were told in this Chamber that they were going to try that out, they had leased it to see if it would be a substitute for the noble 727s. The speech from the Throne has not mentioned any of this. The speech from the Throne did not deal with the sorry state of Government's finances, the trouble the country is in, where in three years the public debt is now more than three times what it was in 1984 - a fact which was hidden in the financial statements because the debts of the statutory bodies were really not clearly marked, and some people got the idea that Government only owed a little bit of money, when in actual fact the long term debt is now three times what it was three years ago. And we have but little to show for it.

The speech did not mention the harsh regulations, laws and penalties imposed on our people during the three years of this Administration. It did not address itself to the problems the population is facing in an effort to comply with some of these draconian laws. No mention was made of the high cost the Government is facing to reconstruct all the major roads in George Town and West Bay which have been destroyed by the sewerage system and the water system. It has not addressed itself to attempt to tell us where the money will come from to repair these roads. The speech did not mention the greatest piece of legislation to come before us in four years, the social security scheme. There was a statement from the Honourable Member during this meeting of the House, but there seems to be no information in the Throne Speech on it. To top it all, for this sitting of the House, there was no Government business, with the exception of the laying on the table of a few papers. There were no new laws, there were no amendments to any law - which clearly shows that we have had a Government of inactivity. I have been here almost 16 years now, and to my knowledge this is the first time the House has met that we have not dealt with a bill or an amending bill. If this current lackadaisical trend continues in Government, next time we will not even need a Throne Speech. The system is tottering.

But as I said in my Introduction, the speech, whether it was intentional or not, had been written in such a way that it does not provoke debate. We hear nothing of the social programmes we need. We hear nothing about the lack of capital projects, especially in the eastern districts. It is true a few have been done, and as I go down the speech I will deal with them in more detail. But no one should go away believing that the Government has managed well. What it has done is to postpone and hold back capital projects so that they now cost us more. To give a few examples, there was no reason at all why the work being done by Hadsphalitic started in 1987 could not have been started in 1985 or 1986. Everything was in place for the sewerage system. At the end of November 1984 the land had been bought from Mr. George Seymour for the sewerage system. The authority had been set up, the legislation had been passed. Preliminary work had been done on the technical side of the project and agreement had been indicated by the bank for the financing. Yet we find that despite all this, it was not until early 1987 that a contract was handed out to Hadsphalitic for the construction, so that two years were wasted. Although people did not realise it, what was happening was that Government was not undertaking any big capital project, and so it appeared to the unwary that Government was managing its funds well - the fact was they were not carrying out the projects.

I could go on - the same thing with the water system. So that while we try now, or the speech tries to get claim for having the water on stream, the plain fact is, it should have said that we owe you an apology for not having the water plant in place two years ago. Because in November 1984 the law had been passed, the Authority had been set up, the reservoir had been built in Lower Valley, the reservoir in East End was almost completed. The next stage would be the desal plant or the water producing plant for George Town. Yet from November 1984 nothing seems to have been done until 1987 - two years again wasted and the cost going up every year. One Member, in debating the speech said that the West Bay sewerage scheme should have been completed years ago - I cannot agree with that statement - I think it should have been started when it was started. I do not really know what he means by "years ago", whether he means light years ago or ten years ago. But it was not until the 1980s that the Government of the Cayman Islands was in a position to undertake such an expensive project. I think the Honourable Member responsible for the sewerage scheme told us it is Government's largest project to date. The Cayman Islands Government was in no position until it was brought to that stage of affluence by the Unity Team in the 1980s. I remember in 1980 when we were considering these mammoth schemes, I was able to borrow from Mr. Ormond Panton, a report that had been done when he was a Member of the Legislative Assembly more than 20 years prior to 1980, in which an expert had recommended that the Government develop its underground waters, with a price tag of over \$1 million - more money than the Government had for recurrent revenue at that time. So while it may be good to say that we should have had these schemes before, the practical side of it is that Government was never in a position to get the financing until the 1980s - they could not have done it before - no bank would lend them the money, the cost was too much. And then

the schemes were not needed. When the population was small, when development on the West Bay beach was scant, the old septic tank systems served. The cisterns and the wells and the Cayman Water Company and the other truckers supplied the needs. So that if some fairy godmother had come in and put in these systems back in 1950 or 1940, there would have been nobody to use them, there would have been no condominiums to hook up to them. There would have been no hotels and very few individual homes. I can remember when the only building between George Town and West Bay was the wooden bath house owned by Government.

So I do not agree that these schemes could have come before the Unity Team Government started them in 1980 or 1981. We did not have the finances, we did not have the resources, and we did not have the demand. But once they were started, there should not have been a break of two years in which nothing seems to have been done. This is what I hold against the present Administration.

I am glad to see from the contents of the Throne Speech that we will finally come to our senses and look at improving the reporting system in the Courts, because taking down the notes in longhand is really an anachronism from the past. The judges, although they will still, under any new system, probably make notes, they will no longer have to write down every word and so take up such a long time for trials. This was brought out clearly in a recent case before the courts where the case of the Tower Building went on for more than 100 days. It is my understanding that one of the parties at the trial had to rest his case because he could no longer afford to go on. This case is very important because it brought out clearly that the Unity Team Government made a sound investment in the purchase of the Tower Building, as the essence of the case was that one party sued the other because that person believed the building had been sold for too little.

I am alarmed to see that we are looking at the addition of a Judge for the Grand Court. An additional post of Judge of the Grand Court has been established, making now three judges in all. Also that a new post of Senior Magistrate has also been created. This is alarming news, when we have to add more judges to keep up with crime and to keep up with civil matters in the courts. This is alarming. What we are doing is really spending the money after the fact, instead of spending it before.

The Social Services are lacking badly and the Honourable Member, instead of looking at the playing field in Bodden Town, is concentrating on hiring another Judge. While I believe in a speedy trial for a person, the emphasis should be on reducing crime. I will be dealing with that later.

The speech could barely manage to say it is encouraging that the sharp increase in crime has been arrested. That is no comfort, no comfort at all, to know that the increase is a lesser increase than in previous years. Because the increases in the last three years have been phenomenal, have been unknown. Whatever triggered this situation, it is a fact that since November of 1984, we have had more crime than in any other period in the history of these Islands. We have had more murders and serious crime. We have had more drug related crimes. We have had more crimes ancillary to the drug trade than at any other time in the history of these Islands. We have had more drug abuse, more alcohol abuse and the Government does nothing to educate the public. Believe me, we will not stop alcohol abuse by sanctimonious and ridiculous speeches. We will only stop drug abuse by the education of our youth. We will not stop alcohol abuse by raising the drinking age to 21. If there is any hope at all, it will have to be through education of the young. Let them know the dangers to health and to society. No country has been able to live with a total ban on the use of alcohol, so to get up and talk such nonsense is really a waste of time. We need parents to teach their children, and teachers to teach their children, and social workers in the districts to help adults who have problems. This is where our Social Services are lacking. I believe every year since I have been here we have added people to the payroll of Government for Social Services, and maybe we need to add some more. But not to write reports in offices - put them in the districts where they can meet with the individuals on a person to person basis. I know, in the case of Bodden Town, the district nurse there is well liked by people, and people who say to me that they would not be seen dead in hospital will call the Government nurse, because they know her and they trust her. The same thing would happen if you had social workers living in the districts, so that the people would know them on a first name basis, and they could reach out to these people and they could help the drug addicts, the person with the problem would not be scared to go and talk to a young man or a young woman or an older person living in the district who was a social worker and who was going to help them. But they are afraid when they are confronted with these fancy councils and these reports, because they are human beings. If you are going to reach them, you are going to have to lock up that social services office and send the workers on the streets, send them out into the districts where they will do some useful work.

It is frightening to look at the Police Report this year and although I will not call any names and will not attempt to read the report, I must mention some of the highlights from it. A man found shot to death on 20th January, 1986. On 28th April another man convicted of the manslaughter of a girl. On 31st July, a man found guilty on two counts of murder. On 5th August, a man charged with attempted murder of police officers. On 24th August, police receive a report that a local resident was missing and nothing has been heard since. On 15th September, a man was shot and killed. On 4th November a man was arrested and charged with attempted murder of police officers.

So it is no comfort to read that we had less crimes in 1987 than we had in 1986, because we still had, in 1987, according to the Police Report, 2,594 crimes. While there was a slight reduction in the total number of cases reported, there was an amount of increases in the very serious areas. For example, threatening violence, carrying offensive weapons, offences against public order were up from 68 in 1986 to 97 in 1987. Cases of attempted murder in 1987 were four, as against none in 1986. Under the Misuse of Drugs Law the crimes reported were up to 273 over 232, a 17 per cent increase. Importation of cocaine was up 100 per cent in 1987 over 1986. Consumption of cocaine was up 117 per cent in 1987 - we had 102 cases reported as against 47 in 1986. Aiding and abetting the use of cocaine up 600 per cent in 1987. Procuring the sale of cocaine up 200 per cent over 1986. Offering to sell cocaine up 600 per cent over 1986. For these cases involving cocaine, the total was up 71.7 per cent, or 230 cases over the 1986 figure of 165. When we speak of consumption of cocaine, we are really talking about the destruction of lives, because many of the people who go to hard drugs never find their way back.

It is my contention that the actions of the present Government since 1984 have done much to encourage the use of drugs and the trading in drugs. I do not want to list the many things they did, but a few of them come to mind. The extensive use of suspended sentences, the parolling of people for drug and other serious offences. The reduction of the death sentence in one instance. The removal of the mandatory sentences for second offences for drugs. All of this, I believe, helped to encourage the would-be traffickers to believe that they could get away with it. This is a sad indictment against this present Government.

So that while the Throne Speech may say that the increase has been slowed, it is no reason to be complacent, because we are drifting further and further into the land of no return.

There were encouraging signs in the traffic statistics, and although I have not yet done a full analysis of this, it may well be found that one of the reasons for having less reported cases to the police was because there were less traffic accidents. One very heartening sign was that only six people were killed on the roads in 1987, as against ten in 1986 and 21 in 1985. It was even lower than the seven killed in 1984. I would say that of all the congratulations offered in this House during this debate, none of them were more in order than congratulations to the traffic side of the Police Department, because I think they endeavour to do a reasonable job and congratulations are in order. We do see on the roads more patrol cars, more officers and this is a heartening sign. But I believe we have also reached the stage where drivers begin to understand that there are many users of the road, and I would say congratulations are in order to the drivers of Cayman. Because we have seen that in the serious accidents, the casualties have been reduced, for example six people killed in 1987 as against seven in 1984 and 21 in 1985. For seriously injured persons, there were 35 in 1987 as against 40 in 1984 and 57 in 1985. Now, I know that a person can be seriously hurt or even killed in a minor accident, but in the

majority of cases, all the serious injuries and all the deaths mostly occur where speed, and high speed, is involved. So I believe that we have seen a change in the drivers where there are not as many instances of high speeds as there have been over the years. Perhaps one reason for this is that there are so many vehicles on the roads now that it is almost impossible to reach a high speed without driving dangerously.

The statistics are borne out if one will look at the number of vehicles, because in 1987 we had more vehicles on the road than at any other time. More vehicles were involved in accidents than at any other time, yet there were less serious injuries and fewer deaths, which means that the vehicles involved had to be driving at slower speeds. What is alarming is that the number of pedestrians involved has shown a dramatic increase, that is pedestrians involved in accidents. The number involved increased in 1987 by 32 per cent. That means that a lot of people have gotten careless on the road. In many cases when a pedestrian is injured, it is not always the fault of the driver, although both may have contributed. 807 pedestrians were involved in accidents as against 612 the previous year. If we look at the number of vehicles on the road and compare it with the number of accidents, we will see that we have a good ratio, because in 1970 we only had 2002 vehicles registered. In 1987 that had increased 6.4 times. In 1970 there were only 259 accidents reported. In 1987 there were 807, or 3.1 times. So that while the number of vehicles over the 17 year period has increased 6.4 times, the number of accidents over the same period has only increased 3.1 times. This is why I cannot agree with limiting the horse power of a car or even the number of vehicles brought into the Island, because in my estimation the weakest part of the car is the nut that holds the wheel. If we have sensible drivers and sensible drivers who, from their early days, have been instilled with the skills of driving and safety on the roads, we will find that the number of vehicles makes but very little difference.

MR. PRESIDENT:
you finished with the Police?

Perhaps it would be convenient for you to break there - have

MR. G. HAIG BODDEN:

Yes, Sir.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:
House until 10:00 o'clock tomorrow morning.

Mr. President, I move the adjournment of this Honourable

MR. PRESIDENT:
tomorrow morning.

The question is that this House do now adjourn until 10:00 a.m.

QUESTION PUT: AGREED.

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,
TUESDAY, 23RD FEBRUARY, 1988.

**STATE OPENING AND FIRST MEETING
OF THE 1988 SESSION OF THE
CAYMAN ISLANDS LEGISLATIVE ASSEMBLY**

**TUESDAY, 23RD FEBRUARY, 1988
(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, OBE	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
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

**STATE OPENING AND FIRST MEETING OF THE
1988 SESSION OF THE LEGISLATIVE ASSEMBLY**

**TUESDAY, 23RD FEBRUARY, 1988
(SIXTH DAY)**

1. PRAYERS

To be read by the Third Elected Member for West Bay.

2. QUESTIONS TO HONOURABLE MEMBERS

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

No. 1: Will the Honourable Member give an update regarding the proposed shrimp farming project to be located near the Turtle Farm in West Bay?

3. GOVERNMENT BUSINESS

Continuation of the Debate on the Throne Speech.

4. ADJOURNMENT

To be moved by the Honourable First Official Member, Leader of Government Business.

TABLE OF CONTENTS

PRAYERS	1
GOVERNMENT BUSINESS:	
CONTINUATION OF THE DEBATE ON THE THRONE SPEECH	
Mr. G. Haig Bodden	1 - 4
Hon. Vassel G. Johnson	4 - 13
ADJOURNMENT	13

TUESDAY

23RD FEBRUARY, 1988

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:

Proceedings are resumed.

QUESTIONS TO HONOURABLE MEMBERS

MR. PRESIDENT:

Moving to Item 2, I am afraid we are having rather bad luck with this question. Would the Member asking it agree to defer it for a further day? Thank you very much.

Item 3 on the Order Paper. Government Business.

Continuation of the 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, at the close of the meeting yesterday I had been dealing with the traffic situation in these Islands. I will not go back into it other than to say that the improvement to some of the major roads did have a significant effect on the number of accidents, and in my opinion, helped to reduce them considerably.

The Public Works Department must be commended for the work it did at Spotts and Lower Valley. Two very bad areas in the road which connects the eastern districts to the capital were improved. This work was done because a special motion was raised in Finance Committee sometime prior to 1987.

There are some Members who believe that Bodden Town received a lot of capital money in these projects. But the fact is that the work at Spotts, which was the major reconstruction, is not in the Bodden Town district at all, but rather is in the George Town district. The work at Lower Valley, while Lower Valley is a part of the Bodden Town district, this work was on one of the major arteries and cannot be attributed to capital spending in Bodden Town because that road serves the George Town public just as well as it serves Bodden Town, East End and North Side. We know that we would have to close up the Government Offices and the shops and some of the banks if the people who live in the eastern districts could not get into George Town. So when I said earlier in my debate that Bodden Town had received but very little capital spending, I did not include these works as a part of the money allocated specifically for the benefit of Bodden Town, such as a playing field or a ramp.

During the three years, the Public Works Department also did some work on the Breakers Road. I believe they have put hotmix on a couple of miles of road. We are always grateful for improvements but here again, that road is one of the major arteries and any improvement of it serves the entire Island. It is disappointing to note that it was only in that one year that the Government saw fit to extend the hotmix surface on these major roads.

The programme had been started many years ago to put the hotmix on all the main arteries and on many of the other roads in George Town and West Bay. The work up to 1984 had reached the entrance of Breakers. If the programme that had been started had been followed, we would have had a few miles of roads completed with hotmix in each year. But for some reason or other, the Government did not give priority to it and we find that the roads between Frank Sound and North Side and between Frank Sound and East End is still awaiting the hotmix surface. As I pointed out earlier, these are major roads. I trust that the Government will find a way to complete this before starting over on the West Bay roads and the George Town roads.

It is unfortunate that the Sewerage Scheme and the Water Scheme have caused so much damage to the expensive roads that had been laid. I imagine the damage could not have been avoided altogether, but I believe that more damage was done than was necessary. However, Government is now faced with a major reconstruction of roads in these Islands and the cost will be great indeed.

In finishing up with the section dealing with road accidents and other crimes, I must mention the Prison which has come under heavy strain because of the large prison population. When the Prison was completed in 1984 or 1983, something like that, the population of the Prison

was something like 65. In fact, I believe when the prisoners were brought back from Jamaica, there was only some 40-odd. Unfortunately, whatever triggered it, after the November Election the Prison population doubled and reached a figure of around 120 - 121. It seems to me that it has been impossible to get the number down below 100. This has put a severe strain on the facilities at the Prison. The accommodations, which were adequate when it was built, have long been overcrowded and although a few cells have been added, I think the time will come when we may need to enlarge the Prison's accommodation.

Nevertheless, the staff at the Prison seem to cope quite well and despite the investigation that was carried out by Mr. Brown, it seems that it is on a reasonably good footing.

Your Throne Speech took note of retirements from the Service. It is always sad to see old faces go, to see old horses put out to pasture, but people are afflicted with the problem of getting old and it is necessary for them to retire. You mentioned the retirement of Sir John Summerfield, and I believe that most people will agree that he was a fair man who really did justice to the office he held.

You have also mentioned Mr. Sammy Jackson, and as I had the privilege of working with him for about four years, I can add my tribute. I found him to be a person who, when given a task, there was no need to follow up because he would carry it through. I do not believe he ever shirked his work.

The Chief Accountant, Mr. Moncrieffe, and Mrs. Marcia Bodden have also been known to me for a long time and I believe these people deserve the congratulations which have been offered. I too would like to add mine.

The first Auditor General, Mr. Kelly, will also retire in 1988, who I believe has worked very hard to organise the audit system and to bring it up to where it warrants the title for the head man in the department to be called the Auditor General.

Mention has been made of Immigration but the Members who spoke did not seem to know what they wanted to say. Some of them placed the burden on the Caymanian Protection Board. I believe the problem is that the Department of Immigration and the Caymanian Protection Board are not receiving any direction from the top. I hear about new policies introduced, but I do not think you can call the confused Directives they were given good policies, and certainly in intellectual circles they could not be considered sound.

From the very first meeting after 1984 I found fault with the way that members were picked for Boards and I accused the Government at that time of nepotism. I honestly believe that Government - and when I say Government, I mean Executive Council - have not been very resourceful in finding the individuals to suit the particular Boards. So I do not criticise the Boards, they have to work with what they have. If they receive confused policies they will endeavour to carry them out. I would think that the Government has done a very bad job in handing down the Directives which are necessary that many of the laws require for the proper functioning of the Boards.

Ever since 1984 there seems to have been introduced a system of harassment of long established workers and their replacement with people of lesser calibre. The point I would like to make is that changing the nationality of the immigrant does not, on its own, improve the system.

We have found that the Throne Speech specifically mentioned that we now have an open Government and perhaps it is good that the Speech actually said something about an open Government because we certainly would not know that such a thing existed. Every time we turn on the radio we hear that you can go to the Post Office, the Library, the Legislative Assembly or somewhere else to peruse some important document - I think the Building Code is an example where only a few copies were circulated and people were expected to go and study this massive document. We have gone right back to the old days when they pinned the Government notices on the notice board, and the first person who went by took it home so that he could study it. Other people who followed never saw it. The bad part about being told that you must go to the Library or the Post Office, or wherever it is, to study these massive documents, is that for the majority of the people who would look at these, it is physically impossible, because these places are open only during the normal working hours, and the working man cannot take two hours off from his job unless he is self-employed, and go and sit down in the Library and read a document.

There was a time when the Bible could not be printed in sufficient quantities because there was a fear that the public would read it.

Favourable mention is made in the Speech of the Currency Board. It is good for this Administration that the Currency Board exists because if it were not for the Currency Board and the cash that is taken from it each year, plus the massive loans, this Government would not have had a single balanced Budget during the four years of its existence. I heard one Member talking about the \$40 note which has been replaced by the \$50 note. I wonder when they are going to get around to talking about that ugly \$25 bill that is just as much out of places as would be a \$3 bill, and replace that \$25 bill with a \$20 bill so that you will be able to count by tens? There is much need for this so they can correct the position of Little Cayman on the bill which I think is east of Cayman Brac rather than west of Cayman Brac on the bill. So errors have been made in these bills in the past and I am glad to see that the Honourable Member, although he may not be cast in marble, will forever be immortalised on some of our bills.

One of the most alarming things about last year's Budget - and I am not going to discuss that - was the number of new posts that were added. The Throne Speech mentions that there is provision for two new posts which we are going to need - they mentioned this - but what the Government fails to realise is that every time you put in a new service or you make a new regulation or a new law, you are calling for additional staff. The new people have been added for the Labour Law. New people will be needed for the Building Code. Many people will be needed for the Social Security Scheme and it is my expectation that by November next year we may see the Civil Service increase by 25 per cent. This is perhaps a low estimate.

A few Members mentioned the Salaries Review and one even ventured on the pay rise to Members of the Legislative Assembly. Although I was absent when the vote was initially taken, I did support the motion when the Financial Secretary brought it back to the Finance Committee the second time. My reason for supporting it was that I was under the impression there was going to be a show-down over it. However, the pay increase was a very steep one, and I doubt that it can be justified. The pay increase will probably be something that the new Government will have to look at. I recall that when we were first elected to Executive Council in 1976 the Government was in such poor financial straits that the four Elected Executive Council Members refrained from taking a pay increase.

I notice that three students will sit the final examination at the Law School this year and this follows happily on the heels of the five successful graduates at the last examination. Amongst the oddities in the speech, I noticed there was no mention of the newly formed Cayman Bar Association. I am wondering if the Attorney General will let us know, if he does speak, whether he thinks this is a good thing or not?

One Member touched on the matter of uniforms for the schools, and I support her view. It seems to me that they have gone overboard. I know of one sick child who was put outside in the 70 degree temperature because his sweater was not of the right colour. This has to be ridiculous. I can understand the ordinary uniforms, if they want to insist that whether you are poor or whether you are rich you must have the uniform, and whether your mother was able to get it clean or not you must have the uniform. But when they stretch it to sweaters, they are going too far. Maybe in England or in the cold parts

of North America a blazer or a sweater may be a standard part of the uniform, but to insist that a child who only wears a sweater one day out of the year must have the sweater to match not only his pants but his shirt is ridiculous. The same Member mentioned the attitude towards some unfortunate children that may be denied the pleasure of a graduation ceremony. I think it is because the Honourable Member is not taking a bold enough stand - he should lay down the policies. The lady Member spoke of the disappointment to the child if he is not allowed to graduate. There is even more to it, because the child suffers an injustice, he suffers an indignity. It is time that the Member gets his foot on the job and let us hear what is his position with sweaters at the school and with graduation. We are sick of his dodging the issues and holding back.

In 1987 I voiced concern when we passed the law to establish the National Trust. I spoke about the establishment of the Council. I said at that time that my fear was that the Trust could be used for political reasons. Lo and behold, I was correct. Because the first announcement from the Trust, which I understood to be a body that would look at preserving things of historical interest and so on - was that they were going to build a park in West Bay. I heard this on the radio, but there has not been too much said about it since.

MR. W. McKEEVA BUSH:

That is not true.

MR. G. HAIG BODDEN:

It is true, it was on the radio.

MR. W. McKEEVA BUSH:

No, they are going to build the Fort that Jim knocked down!

MR. PRESIDENT:

Is this a point of order?

MR. G. HAIG BODDEN:
morning, I do not mind!

No, he is just being rude, Sir, but I am in a good mood this

They have now announced a project I can support, and that is the reconstruction of the old Fort. In fact I had a visit from Mr. Joe Heavener, who is the chairman, and we had a long talk. He admitted that the announcement had been made, although some people try to deny it, so you can check with Mr. Heavener and you will find out that I am correct.

But we are not worrying about that any more, because I think he has now gone and put the foot in the right shoe - it did not fit the other one. I can support this, because that Fort is something of historical interest. But here, again, I find that it is difficult to admit that the centre of the Trust should have been in Bodden Town. This is exactly what I told him, that Bodden Town was the first capital, and we have in Bodden Town one old house known as the Webster House, I think it was the house in which the first Governor of these Islands lived. A house that sits on rock pillars that were cut by slave labour from the rocks in Bodden Town. This house is now up for sale, and it was my recommendation to Mr. Heavener that they try to purchase this property and restore this house. The Fort could wait. I am not against doing the Fort, I am only saying that if Government is to acquire this property they have to move now because the present owners will sell it, for, I believe, a fair market value. But believe me, if that house goes into the hands of somebody else, Government, if they do purchase it, might have to pay an exorbitant sum.

This is why I was not satisfied with the composition of the Board and the composition of the Trust and so on. It is true that on my recommendation Mr. Heavener has found a couple of members in Bodden Town who will serve on a Committee. These are all first class people. You can believe me, I would not have recommended them if they were not. Already they have taken some action, they have done some work, although it is not quite visible yet. They intend to make some improvements at Guard House Hill.

Many of the younger people do not know the history of Guard House Hill but in the days when Bodden Town was the capital of the Islands, Guard House Hill was the highest part and controlled the entrance from the Port in George Town. The militia men kept watch there to keep out the marauding Spaniards, especially after the Islands had been ceded to England. So it has a history.

HON. BENSON O. EBANKS:

They kept watch to keep the people from going to West Bay to live!

MR. G. HAIG BODDEN:
West Bay to live - except when I retire I expect to live in West Bay - that is why I want to see that they have good politics now!

I do not think you could force any Bodden Towner to go to

In addition to this, they have singled out the old school room in Savannah, which they intend to preserve as an example of the one-room school houses which were the order of the day in the early days of education in these Islands. I believe that if the Trust can give support to these three projects in Bodden Town, they will have earned their trust and maybe I will be a little more kind as the years go by. I see the acquisition of that property as very desirable, because it cannot be replaced, it cannot be duplicated, and is worthy of attention. Of course, I give support to the construction of the Fort, and I will say that the Fort should have been in Government's hands long ago. Everybody knows the story of when the damage was done to it because the Government was so hard-headed and bullish in their attitudes - everybody knows that story.

I support the favourable comments on education. I am one who believe and have always held that the only way to improve the standard of living is to educate our youth. There were times in these Islands when people got along well without a college education, but those days are past. There will be some pupils who may not meet the requirements for college entrance and these people must be taken care of. We heard from the Throne Speech that the Labour Board was unable to place 14 young persons in jobs. They should not make that admission, they should be silent on that, because it is the fault of the Government. What the speech should have said is that we were not able to place them in jobs at the time they left school, but we have taken these 14 children and have sent them off to acquire some technical skills or some trade.

The new Administration has done very little for this type of person. They were so busy disbanding the Marine Academy, the Trade School, and so busy firing or laying off - which was the same - the teachers. So busy making certain that the youth, the underprivileged, would not be able to rise. At the close of their four years, in the final major policy statement, they have to admit that they failed those 14 children, although the Government has at its disposal unlimited funds. So, the Honourable Member should get his foot on this as well, and let us hear in April that these 14 children have been given an opportunity to equip themselves with the necessary skills they will need to earn a living in this land flowing with milk and honey.

The Honourable Third Elected Member of Executive Council and the person responsible for Cayman Brac mentioned the many projects that were completed in Cayman Brac over the eight years from 1976 to 1984. Of course, he also mentioned that they are going to build a terminal in 1988. Those years, 1976 to 1984, were perhaps the best years for Cayman Brac for receiving Government funds. I am happy to know that Cayman Brac has benefited.

When I was first elected in 1972 I found a situation where the Legislative Assembly believed, and truly believed, that the Island ended at Crewe Road. There was no Cayman Brac, no Bodden Town, no East End and no North Side. These places came into being during that eight year

period. We saw tremendous capital growth, capital projects, capital expansion in Cayman Brac and in the other forgotten districts. During those years there were some years that Cayman Brac received 25 or 30 per cent of the capital expenditure for the year. This simply shows how much was needed to be done. The Lesser Islands could never develop without the infrastructure that was put in place in those years. I think the Honourable Member was right to give a detailed list. The road construction, the dock, the airport and the jet aircraft, these are things that are meaningful to tourists and investors.

I will never forget that night I went to Cayman Brac with the Honourable Third Elected Member of Executive Council and Mr. Truman Bodden to explain to the Cayman Brac people why Cayman Airways was about to purchase its first jet aircraft. I was told in no uncertain terms by more than one person that we did not need a jet aircraft in Cayman. But now, a few years later, we are told that Cayman Brac cannot exist without the jet service. So we have come a long way. The progress that has come has been accepted. I feel proud that the Government was able to improve the airport in Cayman Brac, to extend the runway and to give them the jet service. It is my understanding that when the new terminal is completed, that the Cayman Brac Airport, with its other improvements, will probably rate alongside our airport here, and will certainly be able to handle international traffic. Of course, it does so now, but many more improvements are planned.

Cayman Brac, like Bodden Town and East End, seems to have been forgotten by Executive Council during the four years because the terminal which they say will be constructed in 1988 had been planned before 1984. Discussions had even been held on the financing. So the story in Cayman Brac is a repeat of the stories here, that the major capital projects, of which the Government boasts of completion or of start-up construction this year, should have been done in 1985 and 1986. But I suppose, like the Member for West Bay, I will have to say it is better late than never.

The Honourable Member for Cayman Brac has announced that he will not be seeking re-election. This is sad news for me, because I had the privilege of working with him in 1976 when we were together as Opposition Members. I had the privilege of working with him for four years, from 1976 to 1980 when we worked together in Executive Council. I had the privilege of having him as an Opposition Member when I was in Executive Council from 1980 to 1984. He now has the pleasure - I am not sure that he finds pleasure in this - of having me in opposition while he sits in Executive Council. But I can truthfully say that he is my favourite Member amongst the Elected Members, and I hope the others do not get jealous but I have found him to be a person that I can go to and receive a straightforward reply. He has never laughed at me. His contribution to Executive Council is now, I believe, although we do not know what happens there, just as valuable as it was during the years in the past. I believe that he was more comfortable in the previous Executive Council than he is today - but I have not discussed this with him.

The Speech mentions the Review of the 1977 Development Plan. Truthfully, I am alarmed if the existing Government plans to change this Plan because the 1977 Development Plan was a good plan. It superceded what had been called a Development Plan, which had been proposed in 1975, but which caused so much political turmoil that it had to be scrapped in its entirety. When I read the Building Code I hear whispers from the 1975 Development Plan in it. I am alarmed that their review of the 1977 Plan may produce a document as bad as the one they had proposed in 1975. What gives me this concern is that the Honourable First Elected Member of Executive Council and the Honourable Fourth Elected Member of Executive Council were architects of the 1975 Plan. This is why I have concern, if these two leaders are going to spearhead the review of this Plan.

Now, I know the Plan is up for review. Initially, the Planning Law required that the Development Plan be reviewed every five years. But when the five years had passed for the 1977 Plan, it had worked so well that the Government amended the Law sometime afterwards so that they did not necessarily have to do the review. It has gone on - I believe the Plan does need a review, because ten years have passed, and the effluxion of time has mandated that we do review this Plan. I am concerned if the architects of the Building Code and the architects of the Labour Law are going to be the ones to review this Plan.

Do you wish to break for coffee?

MR. PRESIDENT:

If it suits you.
Proceedings suspended for fifteen minutes.

AT 11:15 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:38 A.M.

MR. PRESIDENT:

Proceedings are resumed.
The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, I would just like to state, in closing, that I have been disappointed with the programmes of the Government over the past three years. As a further disappointment, that there is nothing new in the Throne Speech for this year, and I have been disappointed in the actions of the Government in ignoring districts such as Bodden Town, in ignoring the need for training and help for the unfortunate, and I trust that although there is very little in the speech, the year might turn out for the benefit of Caymanians to be more productive than it looks at this time.

MR. PRESIDENT:

The Honourable the Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON:

Mr. President, Honourable Members, I was not aware that the Second Elected Member for Bodden Town would not exercise his four hour right, but cut his debate very short, so it caught me rather by surprise.

Anyhow, I would like to start off by extending to you the same congratulations that other Members voiced, except of course the last speaker, who thought that he was going to omit congratulations. Instead, he was going to impose indictments on the Members of this Government. Indictments for the things they should have done and did not, and expected this Government would pick up the tab and deal with them at the beginning of this Administration.

Mr. President, I am delighted to be debating your first Throne Speech. I must say that I have heard many Throne Speeches by Commissioners, Administrators and Governors. In days gone by, the Commissioners, Administrators, were responsible for putting forward both Budget and Throne Speeches. It was not until February 1969 that the Financial Secretary took over the responsibility for the Budget Address.

I mentioned that because there is one Throne Speech by one of our Commissioners that lingers on in my memory, and I dare say it will for a long time to come. That was one delivered by Commissioner A.M. Gerrard on 15th January, 1957. It was termed his "swan song". While Mr. Gerrard was not altogether so hot when it came to standing up and speaking in public but give him a pen and he was all right. And so that swan song had its effect. It had upset a few people but there were many who were

delighted with it as well.

A Throne Speech, and your Throne Speech, indeed, plots the course for the new year, the year that we are now in, 1988. Your 22 page document is very ably put together. What delights me about the Throne Speech is that in various areas of it where you have made assessments of individuals and persons, that you have given an accurate account and you have attributed equal dignity to all.

Because of that, your speech reminds me of the good philosophy which says that everyone should be respected as an individual, because there are extraordinary qualities and possibilities in men and so we should not under estimate what other people can do.

I also join you in paying tribute to individuals who serve on Boards and Committees, and voluntary Associations which contribute a lot to community efforts. It is not often that that tribute is paid publicly to these busy and dedicated people outside of Government who offer their free services in one way or another to serve the country. I would like to especially pay tribute and thank those who serve on Committees and Boards in my Portfolio.

You mentioned in recent times changes here in the healthy balance we enjoy between the necessary activities of Government and the acceptance of responsibilities by the community. It is an interesting statement and it is quite a valid statement too. I remember the days when people in these Islands did much for themselves in self-help and in community efforts. I remember in Cayman Brac, especially, this was more evident than anywhere else, largely, I suppose, because those smaller Islands are far away from Grand Cayman, the population is small, and they do not have as yet, that appeal as Grand Cayman to economic development. In Grand Cayman there was also a measure of self-help and community effort.

Today that attitude is quickly disappearing, passing away. Everybody looks to Government today for everything and even more. A good example is where Government needs a parcel of land for a public facility and must end up with compulsory acquisition of that piece of land because the owner wants more than its market value. It reminds me sometimes of Shylock and the pound of flesh attitude. Even in service clubs we find that unless there is a raffle or prizes by tickets where those who would go to the club to support some project can win something, then the effort is sometimes almost a failure. Worst of all, the legality of raffling is now questionable, for it is deemed to be gambling.

It seems that rather than always focussing attention on all the things Government is doing, that organisations within the society - and I am speaking of organisations like the Chamber of Commerce and others - could very well promote self-help and community effort. They could even go further to look at business and commerce in an attempt to control inflation, in an attempt to improve methods of purchasing and marketing for the benefit of the community as a whole.

I said before that everybody is looking to Government to do everything and herein lies, in my opinion, some danger. Government's financial resources are limited in many respects - limited to the revenue it is capable of earning. At the present time, Government is able to balance its budget with a good portion of Capital Expenditure being financed by loans. While we are within safe margin in relation to the cost of servicing borrowings as a percentage of revenue, the position must be kept under careful observation and not allowed to reach the stage of what we hear sometimes referred to as deficit financing, or topping the generally accepted maximum 10 per cent of ordinary revenue to service our loans.

All our revenue come from indirect sources, such as customs import duty, sale of stamps, licences and what have you. The absence of direct taxation such as income tax, corporation tax, death dues and so on is responsible for us being able to create the kind of financial industry we see and enjoy here today. We would not want to disturb this in any way, because that would be dangerous.

However, our indirect source of revenue is reaching the point of saturation and any substantial increase in it will certainly meet resistance in one form or another. We had an example of that in November 1985 when this Government decided to bring the first and only package of new tax measures to this Legislative Assembly during this Administration. The Opposition took it to task, then they went public with it and petitions started to roll in. The petition did not get very far because by that time, those measures had become law. To do it we would have to come here and repeal those laws. One of the items in that package was Motor Car Tax increase, something that had not been done for eight years. If one looks at the cost of the building and maintenance of roads in this country, it can easily be seen that that increase in revenue was necessary.

I think that this Government should be concerned about what happens in the future. If we are to remain competitive as an offshore financial centre, then we must also be aware that if it costs too much to attract new business here that new business will be going elsewhere. Then everybody will suffer - the economy and all. It seems to me that what we may want to begin looking at in relation to the Government's financial ability to continue promoting and maintaining its various services which are necessary, is that we must look at the uncertainty of Government's ability to continue raising sufficient revenue to meet those demands. We could be reaching the stage where the people of this country should start looking and paying for some of the subsidised services they enjoy today. Because, if revenue is not coming in, and the service is to be maintained, somebody will have to maintain it. This could, perhaps, be treated in the same way that certain other services are treated, in the form of public corporations. We see the Water Authority, Port Authority, the Airport Authority, all operating as public corporations. It means that the people who enjoy the services offered by those corporations must pay for them, because by law they are self-sustaining institutions.

It could be that this is an alternative to Government's future financial position. We are talking now about a new hospital, and I believe that that is a service that needs to be improved. In my own way of looking at a new hospital, what it will cost and how it will operate, can only lead me to believe that the only way to go is through a public corporation. I know that there are quite a number of foreign people in these Islands, people who will need the assistance of Government and I think that adequate arrangements can be made for that assistance coming from Government. But, what is of great concern is the free service that is offered at that hospital even to the people who can pay for it. I think the thinking of this Government will have to start changing. If you cannot earn revenue then you must have an alternative to maintain your services.

Mr. President, your Throne Speech indicated another successful year, as I mentioned a while ago. I am sure that your assessment of it was no doubt based on the continuing trend of economic activities here as we see it today. And so importantly that that trend is backed by a high degree of business confidence in these Islands.

Ever since we signed that Mutual Legal Assistance Treaty with the United States in mid 1986, the country's economy has simply flourished. It brought about immediately the fruition of all our predictions and our advice to the public as well. This was in the eyes of strong public opposition to that Treaty. It again resulted in demonstrations and petitions, petitions went to London, only God knows where it went to from there. Today even the Opposition is enjoying the fruits of this boom that I doubt they ever give any more thought to their opposition to that Treaty, I think they are even enjoying it more than others.

Many of us will remember the 1984 recession. That recession, nevertheless was short-lived for after a year in office, this Government rebuilt the economy and created a boom. The economy is booming to such an extent today that there are people out there attempting

to stop development. This, of course, is dangerous and it is unhealthy, for once the pace slows down, and we have seen examples of this over the years, it will take much effort to revive it. Therefore what should happen is that development should be controlled and not discouraged for once investors leave here they will not come back.

Furthermore, the cycles of the economy, booms and recessions will regulate a part of what we fear. Booms and recessions are as sure as night and day because one will follow the other. We have been fortunate too that in recent years the growth in cost of living has been kept fairly minimal. The growth has been very small considering the economic growth of the country. Cost of living today is below 5 per cent. I remember the time it was up to 18 and 20 per cent, while economic growth was up to 30 per cent. Economic growth is much, much above the growth in cost of living. Nevertheless, I think there is need for everyone here to watch the growth of inflation during a boom period.

As I said before, the cost of living increase has been kept quite low, below 5 per cent, and I think here credit should go to the private sector for their control over the growth of inflation and cost of living which relates largely to prices, is the price of labour and the price of goods in the store. This again is caused by the competitive nature of business and trade.

Mr. President, these Islands have become very attractive to international business. Attractive as an offshore financial centre, attractive for its tourism, and its diving. It has become so attractive that even the critical foreign press in the past that once belittled the Cayman Islands are now pointing directly to Cayman as a real haven and a guiding light to many of the other offshore centres.

There is no mistake about it, we offer today top quality service on world standard. Both Government and the private sector work diligently together to continually improve these services and the infrastructure of the country so that new business coming here can always find a place in the system. We can boast today of our telecommunications system which is as good as you will find anywhere. We can boast about our electricity system, as good as you will find anywhere; we can boast about the back-up service to the financial industry; we can boast about Government's service to the financial industry as well. Our company registration system, banks licencing system - all of it. I remember not long ago someone went to a certain country in the Caribbean wanting to establish themselves as a financial centre and asked how long it would take to incorporate a company. Someone replied and said a couple of months. So the investor said he would try to find somewhere else.

From many years ago, we had improved our companies registration office in the Cayman Islands to the stage where if there was a genuine urgent case of company registration, it could be done in 24 hours. I am sure that cannot be beaten anywhere. Those are the things that have built the reputation of this country. I went to Washington once and met with a group of lawyers there - that was in the early 1970s - who were telling me that offshore businesses were going elsewhere because the back-up services, legal and others, were not up to date. People were not satisfied with the service Cayman was offering and asked if I would be so good as to look into it, upgrade our legal system, our accounting system, our auditing system. I think in those days it was only a matter that there were not enough of those services to deal with the volume of business coming in. But I doubt very much that Washington or any other areas can throw that in our faces today because we have not got big international names in law firms here, but I can assure you that our law firms are of a very high standard. They can take care of any business channelled here. We have a lot of international names in accounting and auditing. There is no mistake about it that these Islands can go places.

Mr. President, another thing we find with the Cayman Islands is that, unlike other countries - I am speaking about developing countries because we are still a developing country - you find that the Government has got to assist private sector development. Here it is not so. In fact, Government has got to be on its P's and Q's to keep up with the trend of the private sector here. At one time, we had to make it quite clear to the public that whatever happens in this country, Government must be seen to be in the driver's seat because there was a tendency that the private sector was trying to run the Government to some extent. We are in the driver's seat, Mr. President, and the private sector is maintaining pace with us which is a very healthy situation and one that I hope will continue.

There is an old proverb which says, "Today's opportunity erases yesterday's failure". These proverbs are based on long experience so they are fairly reliable statements. In this vein, I must say that many opportunities have been provided here for all those who want to enjoy them. Looking at our enviable position, I think it behooves all Caymanians and all those non-Caymanians who do business here; those who enjoy Cayman as a diving and vacation destination, to join hands in preserving what has so far been built here and so successfully. We should not forget the days of long ago when Cayman scarcely had anything other than people and mosquitoes. We have come a long way and much water has passed under the bridge.

Mind you, we can lose much of what we have for our yesterdays can return. It can return if we relax and if we become complacent and reckless in what we say, how when or where. If we cause the environment to become hostile against investors, if our attitudes create fear. If we think only of personal aggrandizement, for trying out one image on the platform, and another in office.

Mr. President, this present four years of administration will, I am sure, add a bright chapter to the annals of the history of the Cayman Islands. The people who sit in this Legislature today will not be here indefinitely. Others must come. My only hope is that those who follow will carry the torch with equal dignity, equal pride and equal determination. In this way the opportunities of today will certainly serve the generations of tomorrow.

I think it is good for all of us to occasionally remind ourselves of our form of economy. We determine it unstable, delicate and it certainly is that. There is the need to be always on the alert to tackle any danger appearing on the horizon that would adversely affect the economy which is our only source of income or livelihood.

I will now move on to the subjects of my Portfolio and deal first with the watersports industry. What the North Side Member said about the Aggressor on the night of the 15th of this month anchoring in an area contrary to a gentlemen's agreement reached last year, is clearly an indication of the need to regulate that industry. If people cannot abide by a gentlemen's agreement, what else are they going to abide by? The Law?

That is not all. As simple as it may seem, there are a lot of concerns about that industry because in fact it is largely controlled by non-Caymanians, people who dictate their terms, people who are opposed to any form of regulation being brought against their activities. I hope that when the proposals reach here, the Members will give it their support because the main aim of the proposed regulation of that industry is not altogether a breach of a gentlemen's agreement, or because the majority of the operators are non-Caymanians. The important aspect of it is that the Cayman Islands today is known as the world's leading diving destination, or one of them. The Great Barrier Reef is thought to be the leading diving destination but there are so many dangerous sharks there that people prefer to come to our waters, where there is no danger. So we term it to be ahead of the Great Barrier Reef.

If we are to maintain our tourist industry ... and diving is a big part of the tourist industry today - anyone who comes here as a tourist comes with a snorkel and scuba equipment, because he is going diving. If he is ill and he cannot go into the water, he goes into the submarine, but he is going to see what is under the water. So it is vital and necessary for us to preserve our reefs, our marine life, and our corals, because when one goes under the water, one wants to see something there. Otherwise one can dive anywhere else. That is the principle aim of control on the diving industry.

Mr. President, there are so many dive boats and the prime areas are so few that unless there is some form of regulation, chaos will erupt out there soon. We hope, too, that by some form of control, Caymanians will get their fair share of the pla.

You will probably hear shouting when we move on to introduce our proposals, but I personally have no fear about that, because when the reefs and what have you are destroyed, those who have destroyed them can go elsewhere to look for a livelihood, but we will be left with the wrecks. What we are going to preserve out there is for posterity. I am not trying to be hostile to anyone, I am only trying to be firm in what I am saying. But I have not got the last word, or I am not the authority on it. The Legislature will deal with it.

A couple of words on the National Trust. You mentioned the gift of the George Town Fort property given recently to the National Trust, and also the gift of \$5,000 from an accounting firm, Pierson, Heldring and Pierson Limited. I am told that Pierson, Heldring and Pierson is a bank, I am sorry about that.

In 1985, when this Government took steps to prepare legislation for a National Trust Law, this is precisely what we had in mind - that there were properties, cash and other things that could be given to the state by interested people, but that they were not going to do so unless you had the proper organisation which could become the caretaker of those properties for the state. The Trust is now established and I do hope that the people of these Islands will support it - it is their Trust. The Trust is the custodian of what properties go to it for the people. And so the people must support the Trust. They should join the Trust so that they can be a part of the system, to administer it and to ensure that what it does is in keeping with their wishes.

The Building Code: A lot has been said on these subjects already, but, because they are under my supervision I also want to say a few words about each of them.

The Building Code is now on public view until the end of this month when we will move again in Committee of this House to review comments and proposals for amendment of the Regulations.

Some of the early fears of the Code have already been dealt with and I am sure that by the time the regulations are presented here that all the areas that have been commented on in one way or another will have been dealt with to the satisfaction of the public.

Although mention was made in the early stages that it would be presented at this meeting, there was no way in which that could be done, because one of the principles of this Government is to ensure adequate public participation in all the things that we bring here, whether it be law, regulations or whatever. And so I was very happy to extend the public viewing period to the end of this month so that the Code can be brought back here during the April meeting.

Mr. President, much public comment has been made on the Code, some good, some mediocre. But as yet I have not heard anyone completely condemning the need for a Building Code in these Islands. I thought from a good while ago when I saw some of the buildings going up in these Islands, without any control, so to speak, in their construction, aesthetics and other important features, that it was quite time for the country to invest in a Building Code because we want the buildings of today to be attractive and to serve the country well. That can only be guaranteed when they are built in accordance with good principles laid down and controlled by Government.

Mr. President, the Members for Cayman Brac mentioned that the Code will be new to those Islands. When I say "new" in the same way that I mean that a Development Plan will be new to Cayman Brac and Little Cayman. I think it is also accepted that in order to avoid substandard building, regardless of how small or whatever size, that those buildings are put up under acceptable standards because with the present-day trend in development here, there are some who would want to put a building up within a few days, if that is possible, will build it with substandard materials and it will not do the country any good whether it is Little Cayman, Cayman Brac or Grand Cayman. So I believe that whether it applies to Grand Cayman alone that Cayman Brac should also be concerned that there is some control on the buildings that go up over there.

I do not think it was the intention of the Planning Department to isolate Cayman Brac and Little Cayman from any form of Inspectorate service to ensure that buildings are adequately looked at. I think that once we send people over there to explain the Code and to assure them exactly the things that the Chairman of the Central Planning Authority assured the public in his letter to the Editor in last Friday's issue of the Caymanian Compass, that they will understand that the Code is not going to hurt the little man or the little contractor. The Code is actually there to assist those kinds of people, not to hinder them. We will be sending people over there to speak with the public of Cayman Brac and Little Cayman on this issue, and I do hope that they will agree and see fit to accept the Code. I think it is a good thing for them.

MR. PRESIDENT: Would it be convenient for you to break now?

HON. VASSEL G. JOHNSON: Yes, Sir.

MR. PRESIDENT: Proceedings are suspended until 2:15 P.M..

AT 12:44 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:17 P.M.

MR. PRESIDENT: Proceedings are resumed.
The Honourable the Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, at the luncheon break I had reached the end of the debate on the Building Code where I mentioned that the Department of Planning would be arranging to send a team of technical staff to Cayman Brac to offer assistance to the people there in explaining the implications of the Building Code, hoping that they would understand and accept it.

Going now to the Development Plan Review. The review, according to the Development and Planning Law was due in 1982, five years after the introduction of the Development Plan. The Development Plan 1977 did not include the smaller Islands, Cayman Brac and Little Cayman - it applied only to Grand Cayman. The Grand Cayman Development Plan Review lagged somewhat behind. In November 1984, when this Government came to office, there were quite a number of urgent matters to attend to and the Government moved on to deal with these.

The question of the review of the Development Plan, 1977, was claimed by the previous Government as being unnecessary under an interpretation given of the particular section of the Law. Before we launched out to deal with it, that is, this present Administration, we tested the legality of that interpretation. Of course, it was determined that the review was necessary. Therefore, after completing our very urgent projects, we moved on to deal with the Development Plan review. When I speak of urgent projects, I mean projects such as extension of the moratorium on United States air services to Grand

Cayman, the reorganization of Cayman Airways, the Marine Parks Regulations, the Mutual Legal Assistance Treaty, the Building Code and when we were well underway with these and had completed some of them, we moved on to the Plan review.

Mr. President, we decided, after discussions with the people of the smaller Islands, that we would not only do the review of the 1977 Plan which had then run for a period of ten years after its introduction, but we would also do Development Plans for the smaller Islands, one for Little Cayman and one for Cayman Brac. Those three exercises are now in draft form and work will continue on them because besides going to the public for public consultation, there is a need to also review the Law and the Regulations. So the exercise of dealing with the review will embody all those things.

As soon as these are completed, and the review and plans go to the public for their comments and are dealt with in accordance with the Law, then the proposals will be put forward to this honourable House for consideration.

The subject of Agriculture was given quite a lot of publicity in recent times making the headlines of the newspaper and it was also given a lot of exposure at the recent Agricultural Show. There is no doubt about it, that farming can be considered a Caymanian heritage. In the days when fishing activity was prominent and perhaps the only form of activity here, farming was considered the number two. Most farming in those days was looked upon as kitchen gardening and each family tried to grow a few provisions, vegetables and so on with which they could supplement things bought from the store.

If anyone went beyond kitchen gardening it was really looked upon as subsidised farming because at no stage, until recently, was farming looked upon as an economic venture. It was only attempted in the past when people had a little time from their other activities to devote to it, because it did serve the homes quite well. In more recent times, agriculture has reached a stage where the farmers believe that they can make a success of it. But I dare say that that success is largely dependent on the assistance that Government can render to the farmers and what assistance can come from the public in support of buying their produce. I think this is the stage we have reached today.

If we look at agriculture in the proper perspective, we will see that due to the advent of the Cayman Islands building successful tourist and financial industries, that those industries have attracted most of the employables. We are in a situation today of full employment and people will only go to work where it is profitable to them. Therefore agriculture is suffering because of that. When we go to the Agricultural Show, undoubtedly we see beautiful exhibits there of root crops and livestock. Many of those exhibits are really special efforts for the show, but in any event, it demonstrates what the country can produce with the right effort.

Now, Mr. President, if the Government is going to maintain an Agricultural Department, if we are going to admit that tilling the ground was a heritage of Caymanians, then I think we cannot allow agriculture to die a natural death. The Government should put some effort into supporting it.

I have no doubt, for my own part, that the Government has put that interest into agriculture. In 1985 when I reviewed all the subjects of my Portfolio, I discovered that agriculture was still a lame duck and that no plans had been devised to develop agriculture. So the Government established a Committee called the Agricultural Development Committee, consisting of farmers and others to decide how best agriculture could be tackled and what could be done to improve it. The Committee moved on with its work, and eventually it was decided that the way to go was to get the farmers themselves to form a cooperative and to take farming from there. It was seen that unless the farmers could make direct contact with consumers, that the road ahead was going to be difficult.

With our situation in Cayman, people are accustomed to importing everything from the United States. It is very handy, you get good quality products and because prices move up and down in the United States, there are times when importers and merchants can find cheaper products than what is produced here. An example of that is the production of eggs in the Cayman Islands.

I remember in the early 1970s when that farm was established by Mr. John Bothwell. He came to Government and asked if Government would protect his industry. He said he could provide the market demand, produce all the eggs required locally. The Government said at that time that one farm was risky and that he should try to let competition take care of his business. It is all right to say that, Mr. President, but when you have cheap eggs coming from the United States, how can the local farmer compete with that? He has his overheads - he has his loan to pay for and he has other things to pay for. He is devoting all his time to that industry and he is not being paid for it. Anyhow, what happened is that that farm proved itself over the years - it has been operating now for fifteen years or more. It has changed hands, because the original owners decided to sell the farm because they could not make a go of it - somebody else more foolish than him came behind and said he would try it. The same thing happened, he sold it, and now a third person owns the farm. He is about to collapse.

After fifteen years or more, that farm has proved that it can meet local market demand. Furthermore in recent time, because of improved technology in all areas of agriculture, it is perhaps easier today to meet that market demand than it was fifteen years ago. So there is no doubt about it, that farm needs protection otherwise it is going to collapse. It is a matter of whether the Government is prepared to assist it. In other countries, I understand that in order to protect local industries of that nature, they have skyrocketed duties on imported goods. We are not talking about 15 and 20 per cent - they go 50 to 100 per cent up on those items in order to protect that local industry. Of course, the local industry, too, has to give Government some assurance and some protection of its price to the public and so on. But I will not pre-empt the views of this Honourable House on the matter, because in a short time I am going to present a policy paper to Government and hope that it will reach the Members of this Honourable House where we can sit in Finance Committee, debate this matter and deal with it. The Government has to make a decision and make it now, whether it is going to assist agriculture, or whether it is not. And if it is going to assist agriculture, to what extent it is going to assist agriculture.

I know, Mr. President, that it is difficult to convince Government that because they are earning import duty on the things that are imported and because of our full employment situation and so on, that they might not be inclined to support agriculture to any great extent. But there is a principle where each country, small, large or medium sized should always be able to produce some of the things it uses, especially foodstuffs. Should there be a war or some other disaster, and you are cut off from the outside world, how do you support yourself? Furthermore, I think it speaks well for the people when they can diversify their economy to include agriculture. There are a lot of countries that would like to do agriculture and are not able to. But even though the preparation of land here is expensive and difficult agriculture so far has proven quite well, especially when one visits some of the large farms and sees the crops that are reaped there. The farmers are not asking for actual subsidy. They are not asking for handouts from Government. They are only asking for certain protection and for certain technical assistance from Government. This is the reason why I was able to convince Government that we should go ahead and build a market and an abattoir. The market is nearly completed, the abattoir should be completed this year so that we can lay the infrastructure for the farmers to move on.

The farmers have been complaining, too, about work permits. Work permits are a difficult thing. In the time of a boom, when there is a lot of activity, everybody wants to import labour, especially where there is a full employment situation. Everyone who starts a business, every home needs to import labour. This is quite all right, we can say that during a recession we will get rid of the excess labour. But experience of this Government indicates that during recessions you cannot find those

people, because they are hiding in the bushes, creeks and corners, and it gives the Immigration Department a lot of problem finding them and moving them out. If we do not move them out, those same people who were crying for imported labour are going to come and lambast Government saying that there are too much foreign labour here, the local people cannot find a job. So the problem does not lie in one area, it lies across the board.

When we come to complain about foreign labour, we must take into consideration the other side of the coin as well. Nevertheless, I am not arguing in favour of the Protection Board against the farmers. When we met the farmers a couple of weeks ago to discuss this problem, I told them it was not as simple as they would want to make it believe that the Board was not renewing certain permits, it went beyond that.

This is another thing. When people remain here for a long period of time, nine, ten years or more, you are morally obligated to allow them to remain here because by that time they have become a part of the system. So if you do not want the number of people with status to increase, then you have to regulate things before people remain here that long. That is the very reason for the roll over system in the Caymanian Protection Board to avoid that situation. This is where a lot of problems arise for those who wish to retain the man or the woman who they have employed for a long time, who has made a valuable contribution to either the job or the individual employers. That is one side of it. The other side of it is that if they remain here for too long, the Government will be obligated to keep them here forever.

These are problems that we have to take into account when we are talking about imported labour. Nevertheless, when the farmers came I explained this to them and I said to them that I cannot pre-empt any decision of the Board but my own thought is that if we can look at the genuineness of an application, and certify it by our own Agricultural Department, that the Board will be more inclined to accept it than for someone to just submit an application without too much explanation. The Board therefore deals with it and perhaps not to the satisfaction of the applicant. All the farmers said, "Yes, we will accept this."

I discussed this with the members of the Caymanian Protection Board and they felt that while they could not commit themselves to any decision, it could perhaps work to the advantage of the farmers to do so. Well, I heard in a debate here that this was being condemned. Who is the Agricultural Department to have work permit applications channelled through it? Mr. President, the farmers accepted a certain procedure here, I really cannot see where a Member of this House is going to condemn it, unless alternatives can be suggested. I might as well say here and now that nobody here can pre-empt any decision of that Board. No Member of this Government and nobody else. We have never tried to do it. If the farmers accept that procedure, we will try it and see how it works.

Another thing the Agricultural Department promised the Protection Board is that it would make a schedule of the number of workers on each farm, because the Board is now saying that there are 166 farm workers on the island. The big farms are confused about that figure - where are these farm workers? It sounds like farm workers are going to the United States from Jamaica. What happened is that a number of applications to the Board are categorising people like gardeners and others as farm workers, because it is the least line of resistance. So those applicants are recorded as importing farm labour. It is not a true picture of workers on the farms. So the Agricultural Department decided to prepare a schedule of true farm workers and take it to the Board.

The Protection Board was also concerned about farm workers from another point of view. They found that in days gone by, farmers were importing people to work on the farm when in fact they were working elsewhere. In fact very few of those people worked on the farm. It was in fact a trade. The trade was not only with farmers, but with other people as well. So when we talk about problems in the Board, people should also remember the Board faces a lot of problems with importation of workers - it is not as simple as we might think.

We are now recruiting a manager for the Farmers' Market. It is all right to provide a market, staffing is another thing. We asked the farmers in the early days if they could provide a manager and staff, but they said they could not. We look at that as the start of real development in agriculture. If Government is to assist we cannot just build a market and an abattoir, establish a Farmers' Cooperative and throw these things at them. Government will have to pay attention to the operation of these facilities and provide adequate staff to see it off to a good start before we turn it over completely to the Farmers' Cooperative.

However, from the plans I have seen for the development of those facilities, Government should not have the need to provide assistance in staffing for very long, because the Government is also passing on to the Cooperative the privilege of stocking and supplying to farmers the necessary implements and supplies that are needed, such as feed, fertilizers and insecticides that are not under Government's control. It is believed that this again, will somewhat assist the revenue of the Cooperative. At least Government will not be lambasted with accusations of not providing enough feed or people not being able to get supplies when they go to the Department. We will put it all in the lap of the Cooperative and let them deal with it.

Mr. President, as I said, I doubt very much that Government will have to support the staff of the market and the abattoir for very long, because I am hopeful that once that market is opened and the abattoir is in operation, when the Cooperative can sell directly to the public, then many of the problems will be solved. Agriculture will then move on in a meaningful way and very successfully.

However, it is quite an important subject at the present time. It is seen to be a diversification of the economy. Tourism and finance are blossoming today but we have no insurance policy to say how long this will continue. I spoke many words this morning as a warning of what we should do if we want to see these industries continue and the benefit that the country can derive from their continuing to serve us. One can never tell in this world of turmoil that those industries can face problems in the future. If that is so, I think we should ask ourselves what are the alternatives. Where do we diversify?

I remember in the 70's when the new Government took over in 1976, for years following, that Government tried to diversify the economy of these islands from banking and tourism. They tried so many things until eventually we said the only diversification we see as possible here is to encourage light industries.

We went to work to lay the groundwork to encourage light industries. Light industries did not come, largely because of our full employment situation. At that time full employment was not altogether the main reason. The cost of labour here was the main reason because industries must be able to limit their overhead costs in order to function properly. Certainly, Cayman could not altogether provide them with that assurance. They went to Haiti and other places where labour is dirt cheap.

It went on until 1979 when the only alternative we saw was to expand on the financial industries. At that time we introduced the offshore insurance industry, captive insurance, and today that industry in itself is proving very useful to this country. So, we come right back to first base. Where or how do we diversify the economy? What I am saying, Mr. President, is if the present activities, that is banking and tourism, should decline in any way, it is good that at least we have agriculture on our books. By that time I hope that it will have improved to such an extent that we can boastfully call it one of the sectors of our economy.

I also made mention publicly that the Government was establishing in the Agricultural Department a Farmers' Laboratory to deal with plant disease and such like because here, as in other countries, the farmers are always faced with disease and other soil deficiencies. They are not in a position to deal with these to analyse them and to know exactly what treatment to apply. So our

laboratory at the Department of Agriculture will assist them.

Mr. President, I am sure that others might have something to say too about agriculture. I think I have covered it quite well.

I will now move on to Water and Sewerage.

I heard quite a lot in the debate that this Government should have started in early 1985 to establish the Sewerage Scheme. To really implement a project of that magnitude, which is Government's largest project, is not a simple thing. When we came into Government, I heard that there was a sewerage project being contemplated, and discussed with Caribbean Development Bank. That is about the stage it had reached.

We started to move to deal with it, because I was very concerned, from years ago, about the lack of a proper sewerage scheme on Seven Mile Beach. I know at one time someone came and reported to me that sewage was found in the swamp across from Holiday Inn. I had divers come to me, in recent times too, who said they would like to take me out to some of the reefs along Seven Mile Beach and show me what is happening to them - they are actually dying. They are not dying from dredging, Mr. President, they are dying from sewage seeping into the sea along Seven Mile Beach. The divers have told me this, I did not arbitrarily volunteer to tell this Honourable House that - this is what the divers have told me and they are very experienced and efficient divers. So I had no problem at all in moving on swiftly with that Sewerage Scheme.

We handed the contract out in late 1986, and I think we did well because there were several contracts to award. We had to follow the procedure laid down by Caribbean Development Bank in awarding those contracts and the time allotted had to be complied with. I do not know what is the argument about the length of time the Government took to implement sewerage or to construct sewers. We did it as rapidly as we could. We had the loan aspect of it to clear with Caribbean Development Bank and this took us a long time. However, last month, sewage started to flow into the pipes and into the ponds at the sewage plant, and as rapidly as the hotels, condominiums and private homes can be connected along the Seven Mile Beach to the end of the network of pipes, then sewage will be relieved from that Seven Mile Beach.

We passed through a period when there were health hazards on Seven Mile Beach and there needed to have been only one epidemic and tourism would have been wiped from this Island. So if there was so much concern about sewerage, I think it should have been built before this Government went into office.

Water. When we came into Government, we knew that the wells in Lower Valley and East End were built and producing ground water. The hospital was complaining about it, it was corroding everything up there. A drought in Cayman had indicated that we could scarcely go another year unless there was water provided for the George Town area. We found that the lens in George Town was completely ruined, contaminated - and I am talking about faecal contamination - another health hazard. Still it continued and continued and continued.

When we took over in 1985 we moved to control that. Control we did. Then we moved on to think about a piped water system for George Town. I do not need to say very much about that, because everybody has seen the system under construction and water flowing through the pipes at that.

Mention was made here that the water should have gone into private hands. I have heard that argument over and over in this House. My ambition is whatever I do for the public I do it well. When I looked at providing water for George Town, a lot of thought was put into it - who should do it or should the Water Authority do it? We invited the Cayman Water Company to come and do it. They would not. Who else would do it? I think that we did the right thing because the Water Authority and this Government spent over one year negotiating for the water system, negotiating to get the lowest possible price for the best possible quality water for the people. We knew that the people in George Town to whom we would supply water are not all wealthy people - there are a lot of poor people here and that we had to produce a price for water that would fit the pocket of the majority.

Had that gone into private hands, do you think the public would have been offered water as cheaply as the Water Authority is providing it? When one talks here about putting it into the hands of private developers or investors, it means that there is no loyalty or concern for the poor people of these Islands. I do not want to belabour this, Mr. President, we have done exactly what we thought was best for this country. Water, the first day it was put into the Water Authority's reservoir, amounted to the minimum we are to take under the agreement with Central Desal. That minimum is 150,000 gallons a day. Who do you think was standing by to take all of that water but Cayman Water Company? They had trucks running all day and they took every gallon of that 150,000 gallons. If they did not, establishments such as restaurants and so on in George Town perhaps would have closed because they could not supply them from their facility on the Seven Mile Beach. So water came on in the nick of time.

Mr. President, I have no doubt that by the time the network of pipes are laid in George Town and with the demand from truckers that we are going to be nearing the maximum output of the present plant which is 450,000 gallons a day. I believe that when we are moving on to that figure that it will be time for the Government to start negotiating the expansion of that plant. However, I will not pre-empt anything that a future Government should do. I am saying that that is necessary.

I should mention, going back to sewerage again, that the only area of the Seven Mile Beach that was not sewered is Snug Harbour, and the reason is because there were too few homes there at the planning stage to really support the capital cost of running sewerage there. In recent times, the development has moved quite rapidly in that area, and we are now looking at the possibility of building in there what is known as the small bore sewer system, where only the effluent is moved away and put into the regular sewerage system on the Seven Mile Beach. The retaining pits are believed to be able to stand for perhaps five years or so, when the bulky stuff will need to be moved out.

MR. PRESIDENT: Would that be a convenient time to take the tea break?

HON. VASSEL G. JOHNSON: Yes, Sir.

MR. PRESIDENT: Thank you. Proceedings are suspended for fifteen minutes.

AT 3:16 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:36 P.M.

MR. PRESIDENT: Proceedings are resumed.
The Honourable the Fourth Elected Member of Executive Council, continuing.

HON. VASSEL G. JOHNSON: Mr. President, at the tea break I was speaking about sewerage in Snug Harbour and I mentioned that that was the only area of Seven Mile Beach down to the public

beach that had not been sewered and the reason for it. I mentioned that the small bore sewerage system is one where only the effluent is moved from the area to the main sewerage system. In that system, there is the retaining pit in each home and the sludge is removed, perhaps, at least every five years.

It has been proven a workable system and much more economical than the conventional sewerage scheme. In the conventional scheme the trenches have to be dug quite deep to lay the pipes. In the small bore system it is laid shallow, because it carries only the effluent. The capital cost of construction is therefore much less. We had the Consultants down there doing the survey, and by the way, the study had already been done of the George Town area. This study of Snug Harbour is being financed by the Canadian Government. This Government is not being asked to provide any portion of the costs. I met with the Consultants who have just completed the Snug Harbour study, and I am told that the residents of Snug Harbour are quite happy to accept the system. In the course of time a proposal will be put forward to the Water Authority and then to Government to move on with the construction of the system.

Speaking of the sewerage system, it has been traditionally known that no private investor will want to undertake this sort of project because of its cost and the economics of it. So it behooves Government to do the scheme generally and it is no different here. The Seven Mile Beach scheme will appear to be expensive. I know there is a householder down there who is complaining about the price and I have heard mention made about the high cost of providing it to the Watlers Road residents. But Mr. President, comparing the system in Watlers Road to the rest of Seven Mile Beach, the Watlers Road area is perhaps subsidised over 70 per cent. The reason is that we know there are very low income and sometime poor people living there, and so we made the fee very small and reasonable. Another thing is that Watlers Road is facing the Seven Mile Beach and it was thought that at least the sewerage aspect of that area should be controlled somewhat. That is the reason why the system went into Watlers Road area to serve the residents there.

The other Seven Mile Beach area perhaps complained that the fee is a bit steep. But again, unless Government is prepared to subsidise the operation I cannot see any justification for that. The people there, the institutions there, hotels, condominiums and what have you, should pay those fees. Those fees were not arbitrarily decided.

In the early days, when we approached Caribbean Development Bank to provide 70 per cent of the financing for that area, the Bank had to know exactly what the economics would be, the costing of the system and its revenue, and how the Authority would be able to finance their loan overheads and other expenses. They sat down with the Water Authority engineers and technicians and worked out the fees for the scheme which would satisfy the Bank. Those fees have not been varied even though they were decided in 1985, they are the same fees that we have just introduced. So, after describing the situation on that Seven Mile Beach corridor as far as the outset of the sewerage scheme is concerned, I think that everyone down there should support the construction of this new scheme.

I do not think the fees are altogether outrageous. I think it is just a matter that people down there have their sewerage facility and they now have to abandon it and hook up to the public system. That is where the rub is coming. But, it is probably one of those things that when you live in those areas you have to abide by what is provided and the charge that goes with it.

I believe in a little while people will become accustomed to it, they will see the benefit of the scheme and will be prepared to abide by it. Fees cannot be varied unless it is approved by Government so there is no way of fees escalating without proper approval.

Mr. President, that was perhaps one of the grounds which led the Water Authority to also do the George Town Water Scheme so that there will be another source of revenue which, in the future, can perhaps supplement other works which the Authority will undertake. Although the first public sewerage scheme is built on the Seven Mile Beach, there will be in future, the need to provide the sewerage scheme for George Town and perhaps other areas of the country. So the Water Authority must be in a position to build its financial background to the stage where, in times to come, it can undertake these additional schemes.

The same goes for water. The people of West Bay are now asking for a piped water system as well. That is something that we will look at in future years. It is not possible just now because the Water Authority is scarcely through with the two present schemes and will have to complete them, put them into operation, see how they function and see how the finances work, that is, whether the rates will provide sufficient money to meet all its obligations and liabilities.

The Authority will have all the loans to repay, perhaps over \$15 million with the two schemes. Those funds that were used from Government, funds that were borrowed from Caribbean Development Bank, together with its overhead and other costs - all these expenses are going to be met by the Water Authority. It is not coming from Government's coffers. This is the reason why it is important that the Water Authority establishes itself in a financially viable position so that it can meet these obligations as time goes on.

I appreciate the tribute that was paid to all the areas of my Portfolio. I have spoken of a few already. These are the Mosquito Research and Control Unit, Lands and Survey, Agricultural and Industrial Development Board and Housing Corporation.

The Mosquito Research and Control Unit work in controlling mosquitoes in these Islands. I am sure that this has been said so many times that there is scarcely need for me to repeat it at this time, but the control of mosquitoes in these Islands is the foundation upon which all else is built. It is a song we should always sing, because it is true.

I also agree with what was said about the late Dr. Marco Giglioli. He was the master builder of the Mosquito Research and Control Unit in these Islands, and no monument to his memory can be too expensive for this country to provide.

I remember in 1935 his father came here by the invitation of this Government to look at the mosquito problem and to advise the Government what could be done to control mosquitoes. The old man wrote his Report, and in his Report he said in essence, that the problem was insurmountable. There was no cure that he could recommend.

Imagine, two thirds of this Island was at that time nothing but swamp land. There was no form of economy other than people going to fish on the Mosquito Coast, a few men went to sea, but not very many. That was 1935, before the Second World War. He saw the future of this country at that time as dim as the setting sun. He said, "What can I recommend? I cannot fool the people."

In 1965, we decided that something had to be done in this country and the foundation of it all was going to be the control of mosquitoes. We had, by that time, experimented with aerial spraying to see whether it could effectively control mosquitoes in any way but we were told by experienced people - I remember the Curator of the Kingston Museum, a chap who is married to a Caymanian, and who we had a lot of confidence in that could advise this Government - was asked what was his opinion of aerial spraying. In essence he said that anything that can kill an insect is harmful to others, so take from a little what a great deal means and be cautious.

Aerial spraying has done a lot of good to these Islands in the way of mosquito control so I will not elaborate on that aspect of it because I am not an expert to do so but I am only showing you, Mr. President, that we examined many areas before we launched out on actual control.

When we decided to set up this laboratory, we advertised for a Director. This young chap, this young scientist, entomologist, had just graduated from school in the United Kingdom. When he saw the advertisement, he said, "Good, that is a challenge for me, my father said that you

could not control mosquitoes there. I am going to show them that it can be done."

He applied for the job and came here as the first Director of that Unit. I need not say anymore, Mr. President, every person that live in this country can tell you what happened in those years following, mosquitoes were controlled. One of the systems he devised here which was so effective was the diking of the swamps. That was the essence of the control. On his death bed he requested that the present Director of MRCU, Dr. John Davies, be his replacement.

Dr. John Davies had been here and he had worked in the laboratory before. He came here as a volunteer worker from the United Kingdom, and Dr. Giglioli had a lot of confidence in this young chap that he could do the job, and so Dr. John Davies was invited to take over.

I think that the laboratory is working quite well. Problems do arise. New species of mosquitoes appear in these Islands from nowhere when there is extraordinary weather and heavy rains. The year before last we had the lowest rainfall in the history of these Islands, last year was the opposite. You will see from last year coming right on until now, the amount of rain we have been having. All these things go against the normal control that is instituted by that laboratory so people must understand that when they feel mosquitoes here and mosquitoes there, the Unit cannot just go out there grab them in a net and relieve the districts.

It is said that when the plane sprays the insecticide falls out to sea rather than on land and if we had a helicopter this would not happen. That is all very well we had a helicopter once and the Government sold it. So the question about buying a helicopter for the Unit is something that has to be looked into quite carefully. If you buy a helicopter the Government may sell it again you have to decide what you want and what you are prepared to keep.

The aerial spraying has gone well. They speak about the pilot, he should be replaced with a local pilot. That is quite true but one of the things we need to understand is that an AG-Pilot is not an ordinary pilot. He must have experience because he is flying low. He is flying just above the bush and anything can happen. If you are not well disciplined and well trained in that kind of flying, you can get in danger. This pilot here has already crashed but he is so experienced that he knew how to save himself. So, when we are talking about an AG-Pilot for the MRCU operation let us really look at what we want. Not to be losing a pilot every month.

Lands and Survey is another essential service without which, I dare say, real estate business and land ownership title in these Islands would be nothing short of chaos today. In our 1969-1970 Economic Programme, this was one of the areas that Government embarked upon. I am sure that what took place in Government's attempt to introduce that system is well known to everyone except yourself Mr. President, because you were not here. But I am sure that you have read something of it.

However, our Lands and Survey Department is deemed to be a model in this area. We have had people from many other Islands coming here for training and the real estate business and land transactions today move quite smoothly, quite rapidly, and that is one of the complimentary services to the development of the financial industry of these Islands.

Today there is no way in which we could have earned \$9 million in 1987 from Stamp Duty on land transactions had it not been for that Department and the efficient way in which it operates. I want to pay particular tribute, as well to that Department.

AIDB and Housing: These two Corporations are two critical areas of Government's operation simply because they are corporations that borrow money and lend money. A bigger task than collecting debts is to pay it yourself and very often this is what we feel like doing down there with some of the loans. Anyone who fancies those subjects can have them free of charge.

In recent times, we have done a lot of work on money owing to those institutions, collecting money, even looking at the agreements, updating them, sitting down with people, trying to help them to decide how they can rearrange their loans. We have even gone, in some of the cases, to assist them in finding other people to take on those loans. We have done a lot to help the borrowers in those institutions and it is not just a simple thing to run those. They are like banks except that they are not commercial banks and so they cannot just go and take action against the borrowers. We have to spend a lot of time to encourage them and to help them to find ways and means of maintaining their obligations.

We have had to take legal action against people because they are people who can pay but will not pay so we must understand that when we talk about taking action we examine each case before we do so and we have to decide what kind of action to take. People are saying too, that because Government is operating water and sewerage that dues are going to be outstanding and perhaps never collected. We are going to do the same.

You cannot cut the sewerage, but you can take offenders to Court. We are going to treat water in the same way. We will look at those who are delinquent in paying, and we will decide how to treat them. If they are people who can pay they should pay, if they do not pay they will have their water cut off. It is as simple as that. If they are poor people we will find means of helping them to pay for their water.

I am now coming to the end of my contribution to your lovely Throne Speech. I can pay you compliments for it. This Government is very complimentary to everybody whether they are supporters or not.

In my own way I would also like to pay tribute to the Clerk of the Legislative Assembly, her Deputy and other members of the staff for their dedicated and efficient service both in this Legislative Assembly and in their duties in the Commonwealth Parliamentary Association. It makes any organisation function well and smoothly when there is such top rate service in it as in this case. I doubt very much that anyone here could really find any fault with the service that is given here.

The Serjeant-at-Arms was a bit scared the first week he was here, but he now moves around very briskly and he has really taken command of the Chamber.

This is an Election year. I imagine that in the next couple of months the platforms will be blazing, blazing with promises and perhaps with rhetoric over what this Administration has done and over what it has not done. Our record stands out bright and clear, and as I have said in the past, we are a Government of action.

My colleagues tell me that the photograph is now going around and it is a very good looking Government, too.

A Catholic priest who served these Islands, and I do not mind mentioning his name - he is known to all of us as Father Judah - had this to say. He said, "Only a fool thinks that what one man accomplishes does not depend wholly and entirely upon the foundation laid by others." We are not professing that we came into this Government in November 1984 and will end our four year term of office at the end of this year, and that all the things we did here we started from scratch. They were laid on foundations that were built by others.

I have been here a long time and I know that from the turn of World War II that foundation had been under construction. The first was the airport which was built in 1954 and from there we moved on. I remember in 1962 the Companies Law which is one of the founding pieces of legislation, was introduced here and which started the financial industry moving.

In 1969-1970 the Government brought here a team of people comprising all the members of Development Division in the Caribbean, headed by the Head of that Division, Dr. William Bell, to look at this country and to decide on the sort of infrastructure and services that were needed to move economic development in this country. That team remained here for about two weeks and it did a

tremendous amount of work. All that is laid here in infrastructure and services were laid as a result of that recommendation.

It was at the same time that the Civil Service was falling apart. There was an exodus of people moving from the Civil Service into the private sector and it was necessary to reorganise and revitalise the Civil Service. Along with that team came a special one to deal with the Civil Service.

It was in that exercise which was followed by the new Constitution of 1972 that the present structure of the Civil Service was laid, with Principal Secretaries and the rest of it, where the groundwork was laid for the incoming new Constitution and new Government. All that was started in 1969-1970 and was built up over the years.

So, when we talk about the accomplishments of today, the accomplishments of today have been built on the foundation that others have laid. Father Judah's words are so true.

Mr. President, after the last Election the Police told me on enquiring from them, that that Election was the most orderly they had experienced. I hope that the Election of November, 1988 will be likewise orderly. I hope that as Members go to the poll and even in their campaigning, that they will realise that the Cayman Islands is a small country. It has a small population. It had no form of economy before tourism and finance were introduced except of course, men going to sea. Those people have stopped going to sea, they have remained home to become a part of what goes on here today and they have no other livelihood, they must remain here, they will continue to be a part of what is here.

In our politicking, I can understand that there are the opponents to the Government, there are the Government Members who are perhaps going back to contest the next Election, but in it all I do hope that everyone will understand that they have one common goal that they must work towards, and that is the goal to maintain, develop and strengthen the economy of these Islands for the benefit of all its people. I do not think there is a place in our society for anything other than that.

When we go to the platform and we make our pledges to the people, we should come back in here and reflect that same image and insist on fulfilling those same promises - not to say one thing over there and mean another thing here.

Mr. President, Election is still far away and I am sure that there are people on all sides vying for it. We have heard a few announcements in here and there are others to come. To some, it may be a little early to decide what they will do. To others, their minds have been made up. But whatever the position, let us hope that the result of it all will be pleasing to the people of these Islands.

I am not going to pre-empt any thought that I may have. I think, as I have promised the people through the press, that the time will come when I will declare my position. Perhaps the time has not come yet and so I will just hold fast. But to any who will be going forward I do hope that the people will decide for themselves, will make their selection and that they all will win.

As I said, I have not yet decided to make the announcement regarding myself, so I will be in here until the last meeting in September, and in Executive Council until the week before the Election. Whatever I do, I am sure that it will be made public beforehand.

I was trying to keep on to the end of the day, with only a few minutes left to go but I am out of steam so I will allow the night watchman to come on.

Thank you very much, Mr. President.

MR. PRESIDENT:

We seem to be fairly flexible about this debate on the Throne Speech. I see no point on insisting on a night watchman unless the House feels otherwise. I think we should call for the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:

I am certainly not going to be the night watchman, Sir, so I move the adjournment of this honourable House until 10:00 o'clock tomorrow morning.

MR. PRESIDENT:

tomorrow morning.

The question is that the House do adjourn until 10:00 a.m.

QUESTION PUT: AGREED. AT 4:24 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., WEDNESDAY, 24TH FEBRUARY, 1988.

**STATE OPENING AND FIRST MEETING
OF THE 1988 SESSION OF THE
CAYMAN ISLANDS LEGISLATIVE ASSEMBLY**

**WEDNESDAY, 24TH FEBRUARY, 1988
(SEVENTH 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, OBE	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

**STATE OPENING AND FIRST MEETING OF THE
1988 SESSION OF THE LEGISLATIVE ASSEMBLY**

**WEDNESDAY, 24TH FEBRUARY, 1988
(SEVENTH DAY)**

1. PRAYERS

To be read by the Honourable First Elected Member of Executive Council.

2. GOVERNMENT BUSINESS

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH.

3. ADJOURNMENT

To be moved by the Honourable First Official Member, Leader of Government Business.

TABLE OF CONTENTS

PRAYERS	1
GOVERNMENT BUSINESS:	
CONTINUATION OF THE DEBATE ON THE THRONE SPEECH	
Mr. John B. McLean	1 - 4
Hon W. Norman Bodden	4 - 10
Hon Thomas C. Jefferson, OBE - Reply	10 - 12
ADJOURNMENT	12

WEDNESDAY

24TH FEBRUARY, 1988

10:09 A.M.

PRAYERS

HON. BENSON O. EBANKS:

Let us Pray.

Almighty God, from whom all wisdom and power are derived: We beseech Thee so to direct and prosper the deliberations of the Legislative Assembly now assembled, that all things may be ordered upon the best and surest foundations for the glory of Thy Name and for the safety, honour and welfare of the people of these Islands.

Bless our Sovereign Lady Queen Elizabeth, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, Diana Princess of Wales and all the Royal family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Members of 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.

Elected Member for East End.

Continuation of the debate on the Throne Speech. The

GOVERNMENT BUSINESS

CONTINUATION OF DEBATE ON THE THRONE SPEECH

MR. JOHN B. McLEAN:

Mr. President, I join with previous speakers in congratulating you on the presentation of your first Throne Speech. May I say that this speech is a very comprehensive one. It puts forward a very clear picture of the growth and development generally, and the various activities of the Government.

I join with you, Sir, in paying tribute to those who have served this country either on Boards or on the various Committees. It is surely good when we can look back and see the dedication of our people who are always willing to serve their country.

I am pleased to know that the in-force training programme of the Royal Cayman Islands Police Force is nearing completion. I have said many times on the floor of this House that our Police Force is our only source of defence in this country, and we as a Government should always endeavour to upgrade and encourage those who make up our Force. The steps that are being taken to localise the Force are very good ones. I have supported these from the beginning, and I will continue to support them. I am hopeful that sometime in the near future, we will see a Caymanian at the controls. I am sure that certain Members would not agree with me on this, but I am pleased to say that is my feeling, and I believe that we have, in the Cayman Islands, men capable enough of filling that post, with some good training.

While on the subject of the Police, I would like to say that recently we have tried to upgrade a certain sector of the Force by purchasing a new craft for the marine section. I cannot say that I agree with this purchase, because I surely believe, and this is my opinion, that we have purchased a boat that is not suitable for the job it has to do. It is my understanding that this boat does not even have auxiliary generators on board, and I would say, for the price we have paid for that boat, we should have got a boat that would be able to do the job we need it for.

I am concerned if we have to use that boat in rough weather and should they get out to sea, have to shut down the main engine and something should happen that the batteries go dead, it would mean chaos for those in that boat. Let me say, Sir, I am in no way criticising, I am just hoping it will be taken the way I am passing it on, and that those concerned will make an effort to rectify the problem I see today.

To move on to the Courts, I am pleased to see the move by our new Chief Justice, when you mentioned in your speech that he has authorised enquiries into the cost and feasibility of an improved Court Reporting System. I know many times I have heard from various speakers on the floor of this House who have had complaints from different people concerning the way certain cases had been drawn out. We knew exactly, or at least I knew exactly, the cause of it, and it is very good to know that he has taken this step shortly after filling the post of Chief Justice. I believe, Sir, with the additional appointments within that department, we should see some progress there in the near future.

On the Prison Department, let me say it was quite encouraging to see so much displayed recently at the Agricultural Show by the Prison Department. I believe that the stall belonging to the Prison had crops and handicrafts as good as I have ever seen at a show. I think that this in itself tells us that some work is being done at the Prison, and while I am not 100 per cent satisfied with everything out there, I like to give credit where credit is due. I believe that the officers in charge at the Prison should be complimented for a job well done.

I will touch briefly on Immigration, and in doing so, I would like to say that a previous speaker made a point which I wholeheartedly support. It was mentioned that blame should not be put completely on the Caymanian Protection Board for the policies which they enforce. As I have said, I agree with this, because it is their job to enforce policies which are passed down to them. Normally what happens is that the poor Immigration Department and the Caymanian Protection Board, to put it in common language, end up doing the dirty work. I believe that if we have a problem with work permits, as we know we do, we cannot say the problem lies solely with the Protection Board or the Immigration Department. That is not the way it is. They have been enforcing exactly what was passed down to them, and I believe that the time has come when the Government should look at this seriously.

Today I am making an appeal to you in your position as Governor of the Cayman Islands to have this checked out and in a short time, hopefully we could put this back in order. There is no two ways about it, there is a problem there and it is one which I believe, if it is faced up to, can be corrected in a short time.

Just last night I sat and listened to three businessmen complaining bitterly among themselves as to what has been taking place with regard to work permits. I am not speaking of small businesses, I am speaking of businesses as large as this country has today. So it is not only the little businesses that are suffering as a result of this, but it is now like a cancer, it is moving through and creating problems throughout the different businesses.

To move on to Broadcasting, let me say I am pleased to see that after 14 years, and in your first Throne Speech, you could speak so well for that Department. I can recall several years ago when the gentleman in charge was, I believe, from England, a man who I respected a lot. I believe he did a very good job of organising it, and the Government of the time thought that we had a Caymanian who was capable of replacing him. It was done. Today, it speaks for itself, that if a Caymanian is given an opportunity, he can perform because I believe that this gentleman who is presently in charge of the radio station does an excellent job. I hope and trust that this will continue.

I am pleased to see the expansion that is planned to introduce the FM station to the Sister Islands. Again, I recall the Member for Cayman Brac standing in this Chamber and complaining about this some time ago. I am certain that he is happy to see that he has been heard and that it is at present being looked after and, hopefully, it will shortly come to maturity.

On the Civil Service, I would say I offer to them the same encouragement I have done for the last 12 years. I believe that we have in our Civil Service some of the most dedicated Caymanians we could ever find. I encourage them to continue to serve their country in this capacity and I hope and trust this will be heard and again taken in the light in which I am passing it on.

I pay special tribute to those who have retired or are about to retire. In my opinion the past Chief Justice, Sir John, has contributed much to this country. He has upheld our Courts, he has introduced dignity in our Courts, and he has laid the groundwork for anyone who will take up from him. The credit that is given to Sir John is deserved and we could not say too much good about the gentleman.

I must also pay tribute to my fellow Caymanians, Mr. Sammy Jackson and Mrs. Marcia Bodden. Again, we have two distinguished people who have given their country the better years of their life in service. I have had an opportunity to work with both of them on different occasions and I can only say I rather enjoyed their prompt way of operation. Mr. Louis Moncrieffe, again, is not a Caymanian, but is somebody who has come to our shores and played his part in the development of this country. We can be justly proud of him and I wish for him and the others a long and happy retirement.

Finance and Development. Let me say I am most pleased to see the way this important Department of Government is operating. Of course, I would have been shocked if it was not being run this way, because I know the capable hands that are at the control. Of course, along with him is a capable staff. This is one area where we cannot afford to make a mistake. Like I said, knowing the gentleman, I am certain he will not open up to any mistakes. I hope and trust we can keep him in that post for many years, as this little country continues to develop.

There is mention in your speech of the essential improvements to facilities at the hospital and district clinics. I have often said that the money we spend on health services and education in these Islands is money well spent. I would like to interject here that this is why I have asked so many times for Government to purchase an ambulance for the district of East End, North Side and Bodden Town. Let us look not at one area of our health system we have to take into consideration all areas. I hope that the idea of an ambulance for the eastern districts has not been shelved. I know we had only a token vote of \$10 in the Budget, but again I am saying that this is important enough for us to have immediate action taken. I know exactly what the Honourable Member has said about it as far as having extra staff is concerned. I think at one point he mentioned the number of times an ambulance had to go out to the eastern districts.

Mr. President, we cannot sit back and wait until something happens to have a reason to go ahead and purchase this ambulance. Again I am appealing to the Government to take the necessary steps and I am certain that it will get to somebody's ear who will be sympathetic toward the eastern districts. One only needs to drive on that road and see exactly the way those ambulance drivers have to risk their lives and the public's lives. Just that is enough for us to take immediate action.

I would like to congratulate the organisers of the education celebration that was held here last year. As you said in your speech, this was something that I believe everyone in these Islands enjoyed. It was a very touching occasion when we could look back for so many years and know exactly where we came from and where we are today.

As I said earlier, I support whatever it takes to keep a good educational system in this country. I know sometimes we may think that it is very costly, and that is quite true, but we must at all times remember that the boys and girls of today will be the men and women of tomorrow. If we do not provide them with proper education and a good atmosphere, we might as well forget it today.

Mr. President, mention was also made of a Committee which will be chaired by a representative of the Portfolio of Development and Natural Resources and evidently it will be to make recommendations to the Government concerning the watersports industry. There is one thing I would like to say, and that is that I am hopeful that the members of this Committee will not be mainly taken from among the industry, but that we will have them taken from all over the Island - I should say Islands, there, because I believe that we should also have a representative on there from Cayman Brac. This is a very important area and the reports or recommendations to Government will mean a lot. We need to have it so that each area can have some input, because this is how it will be affecting our country.

On the National Trust, I would like to acknowledge the efforts of Mr. Joe Heavener. I assure you, Sir, that this gentleman has worked very hard. I know many times I have seen him taking off from his work to come and to discuss my area, East End. I am happy to say that I believe he will continue to do a good job in whatever way he can. I believe when somebody comes to this country regardless what area they may be employed in, it is this sort of thing that will help us to build this country. We have many who come here for the love of money, but we can always tell when we see one who believes in our country.

I believe, Sir, that this National Trust will mean a lot to this country today and in the future. I am hoping that action will be taken as promptly as possible to secure sites which are going to ruin because of lack of care and attention. Yesterday the Second Elected Member for Bodden Town mentioned a very old home in his district which he was passing on to the Government, asking that they look into having it purchased. Also in my district we have several historic sites, sites which I would love to see in good hands and of course I would say here that I have been trying, especially in the area of the Wreck of the Ten Sails, to encourage a certain gentleman in that area to donate to us a piece of land where we could perhaps have constructed some sort of small monument and there are several things I would like to see placed there. But first and foremost in my mind, I believe that special tribute should be paid to the seamen of this country, and I can think of no better part of the Island that this could be erected than out there. However, Sir, I have passed the necessary information on to the Portfolio and I hope and trust that when this goes before the Government they will see fit to accept the piece of land and that immediate action will be taken on my

suggestions.

We were told in your Speech that a certain company had offered a contribution of \$5,000 for a certain project. I would say this is very good. I hope and trust that more such companies would see the necessity and would come forward and make similar donations. We need to restore these special areas, it is our history and we should try to preserve it, as I have said, for our children.

I move on to the Building Code. I cannot say that I am in support of the full Code, but what I will say is that I do support having a Code for this country. I believe it is very important, and what I am asking today is that instead of us sticking to the date that has been set of April, I believe it would be in the interests of everyone concerned if we try by that time to have the feel of the people and if it is that we need to hold this off for a later meeting, I would strongly suggest that we do so. It is no use of us bringing more legislation on the books which, in some cases, will not be able to be enforced. I would also say in some cases where it could be to the detriment of our people.

Mr. President, I now turn to an area in your Speech which has always been near and dear to my heart, and I speak of Agriculture. On the 17th of this month we saw the 26th show of the Agricultural Society. As President of that Society, I take this opportunity to thank all those who in any way assisted to make it a success. I must say I am not as happy about that show as I was about the previous one. But anyway, it is now behind us and we can only try from the mistakes we see that were made to have a better one next time.

Yesterday we heard much on the subject of Agriculture. I in no way will go fully into all that was said, but there is a point that I think I should clear up. In 1980 I was elected to the Portfolio at that time of Agriculture, Lands and Natural Resources. I was there until 1984. Yesterday I heard a remark from the now member the Honourable Fourth Elected Member of Executive Council which really annoyed me a bit, because from him I honestly expected better. He was the Financial Secretary at that time, and he knew exactly what had taken place before that time. He knew the action I had taken because in most cases it was he who I dealt with when it came to finances.

Yesterday he said that in 1985, when he took over the Portfolio, he found agriculture to be a "lame duck". Let me say I am not here to call him any names, but that is far from being the truth. I honestly hope, Sir, that that was a slip of the tongue because I would just like to go on to show what I consider a lame duck.

The first time since 1980 that the Department of Agriculture did not have vegetables or crops as a whole that could have been displayed at the 26th annual show was this time. I do not think the lame duck was in 1980 to 1984. But you know, with all we say and with all we do, when it comes down to the end, we try to repent. I am sure you heard exactly yesterday the way he tried to repent, because he even ended up by quoting poor old Father Judah when he said that it would be wrong to say that any Government of the past did not contribute in some way, because if the foundations had not been laid, they could not follow. I was rather glad to hear him trying to repent. But I tell you what, Sir, for some of us it is going to take much more than Father Judah to save our souls.

He also tried to cover up the problems with work permits in this country, especially in the area of agriculture. But he knows that exactly what was in the newspaper and on the radio was correct. The farmers have on different occasions met with him, on one occasion in my presence. We discussed the matter. They were told that they should keep together, go to the Immigration Department, and if they did not get results they should come back to him. At that point I explained to him exactly the way I thought it should have been done.

We are dealing with farmers, we are dealing with people who are trying to survive in one of the hardest areas that a man could ever think of trying to develop. Therefore you cannot expect somebody to be on the farm and every second he has to jump in his car and run down to the Immigration Department. This is utter nonsense. This is all the farmer was trying to say. I was sorry, too, that I had to go that far. But for those who know the gentleman in question, he is one of the larger farmers in the Island, and I believe he should be given every encouragement possible. We should not wait until he had to take to the press or go to the radio to get some action. Had the action been taken months ago we would never have had that publicity.

I know, Sir, that the farmers appreciate the Farmers' Market, because if one looks in the records at the Government Administration Building, they would see that plans were drawn for a Farmers' Market and an abattoir when I was in the Portfolio. So I know the farmers appreciate it. But as I have said here before, what is the use of spending that kind of money on that building and then saying to the farmer that he is going to have problems with work permits. To me, we are putting the cart before the horse. If we do not have the farmer to produce, then what use will the Farmers' Market be - this is the only point I am making.

The past lady Member said something to me once. I was a young Member in here - she did not say it on the floor of the House, but she said to me, "Never get too old to listen, and if you do not know, feel free to ask." We should never feel that way, Mr. President. I have offered my full support in any way I could from 1984 and if anyone says that I have not tried to support - if I thought it was right - whatever the Government brought, they would be telling an untruth. If I believed it was correct and to the good of this country and its people, I know how far to go with politics.

Under the same Portfolio, I will turn to the subject of Water and Sewerage. Again, I will say that I support this 100 per cent. It has been a long drawn-out thing, but projects of this nature must be investigated properly before we can approach them. I am glad to know that in some areas of George Town we have good water. I am glad to know that the sewerage is coming along okay.

I am a bit concerned, as was voiced here yesterday as to what we are going to be faced with as far as our roads are concerned, once this is all finished. I was hoping that in whatever agreement or contract the Government had put together that perhaps it would have been embedded there that those who took the contract would in some way assist in bringing the roads back to standard. I constantly monitor this, and even in the areas where the roads have been patched, I am not satisfied that it is brought back to proper standards.

As I have said, it is important in any country to know that we have good water and most important, a good supply of water, especially in a country like ours where each day we are dealing with hundreds of tourists. We need to make sure that our sewerage is in place, because with the type of economy we have here, we cannot afford a mistake. I hope and trust, Sir, that something can be worked out whereby this country will not be faced with the full expense of a major road construction. I hope and trust that the Honourable Member responsible for this will give it thought and perhaps it would be good if we could have the Public Works Department monitor this a little more closely for us.

On the Turtle Farm, I am most pleased to know that the Farm is doing well. I recall some years ago when a decision had to be taken as to the purchase of the Farm. There were many among us who were not supportive of the idea of Government purchasing the Farm, but at that time a decision had to be taken from the point of view that it was one of our attractions for the tourists, it was providing many jobs in the district of West Bay, and last but not least, it was providing, and still is providing a source of food for our people. I can recall when the Honourable the First Official Member and myself flew to London to do the final negotiations on this. We were even ridiculed because we had taken the Concorde. But he knows and I know that the money for the difference on the ticket was paid from our pockets, it was not Government that paid. I recall when we entered the hotel that evening a bright Attorney General we had here made a remark: "You must have come on the Concorde?". I said "Yes, but when I get home I will be paying the

difference."

Today, Mr. President, I am glad to see that that dream is beginning to mature. I hope and trust that no Government will ever see fit to discontinue that Farm. I hope in all cases they will try as much as possible to promote it. I recall the second attraction there were two parrots, and finally we got two macaws. The story behind that is that the birds were brought in on a certain boat without permits and rather than having them destroyed, at that time I instructed the Department of Agriculture to confiscate them and I could think of no better place to put them than at the Farm. So that is how we started our attractions down there. I, at that time, did not have the foresight to see the necessity for alligators, so I left that one out. But anyway, it seems that we have them there now. I just hope and trust that they will keep them in proper pens, because I would not like to see an incident whereby somebody was eaten. I guess, Sir, you saw my colleague saying something to me - he was just saying I should also asked that they be properly named - I do not know what he means by that!

Mr. President, I am also pleased to see the increase in tourist arrivals. Let me say that again I must compliment the Honourable Second Elected Member of Executive Council, Mr. Norman Bodden. I believe he has tried, to the best of his ability, to do whatever he could to promote our tourist industry.

I move to our Fire Department. I would like to say how happy I am to see that we have moved again another step to the completion of a station in West Bay. I see a fire station as essential in any district as an ambulance. So I am hoping and trusting that the Honourable First Elected Member of Executive Council will see it the same way and endeavour to trim something in his budget and spend \$20,000 or \$30,000 to purchase an ambulance for East End, North Side and Bodden Town. Here in George Town, the central station seems to be coming along well. I believe that the gentleman who is at the head there, Mr. Kirkland Nixon, has proven himself over the years in operating a very efficient department. Again, for a while he was limited as to what he could do at the central station, and I am glad that we are thus far with the new facilities for him. I am certain that if he could operate the way he has for the last years under the conditions he had, that he will now do an even better job with his new facilities.

Mention was made of the 1988 Capital Roads Project, and a total figure of \$1 million was mentioned. I am glad to say that it is my understanding that at least one small road will be done in my district of East End. I am hoping that by the time that one is completed, at least I could see a little more action in my district. For the last four years I have constantly asked and I must say I have not been given too much. I know I have been told repeatedly that the Government buildings have been painted. But this is just routine work. What I have been talking about is that at least one capital project could have been given to me each year. Anyway, Sir, I would say that even if I only have this one, I am still willing to say thanks.

Once again, I would like to say to you, Sir, that I have considered your first speech as a very comprehensive one and I hope and trust that for many years we will be able to hear such speeches presented to us. I believe, Sir, with what I know of you so far, that you are somebody who we can work with. You are always ready and open to discussions. I appreciate this greatly, and I am only sorry that I had to take a different attitude with your predecessor. He was a completely different person, and of course had completely different attitudes.

So thank you very much, Mr. President, for allowing me to debate your Throne Speech with a damaged foot, and having to make several unnecessary breaks during my debate.

Thank you, Sir.

MR. PRESIDENT:
Council.

The Honourable Second Elected Member of Executive

HON. W. NORMAN BODDEN:

Mr. President, I rise to offer my sincere congratulations to His Excellency the Governor on his Throne Speech delivered to this honourable House on Friday, 12th February, which is but the first of many more factual, straightforward and encouraging speeches which I am sure will be delivered by you in the years ahead to this House and our country as Her Majesty's Representative in these Cayman Islands. Let me also take this opportunity to say how pleased we are to have you here with us as our Governor and President of our Legislature, and your good wife as our First Lady. I am confident that with your help and able guidance, our country will continue to go from strength to strength.

As has been correctly stated, the Budget Address reviews events of the past year, while the Throne Speech outlines Government's plans for the current year and by so doing, provides a general overview of the present state of affairs of our country. However, it would indeed be difficult, if not impossible, to project the future without reflecting on past performances. A positive past, I dare say, which holds a definite and direct bearing on the future growth and development of these Islands. I do not say this in a boastful fashion, because whatever success we experience, whatever good is done for the country, we all reap the benefits and no one person or one government can lay claim to having done it all for it is true that no man is an island. We have all built on good, solid, strong foundations.

But it is also true that in spite of the critics' cries, in spite of doomsday prophecies as to what would take place after the newly elected Government of 1984 took office, in spite of all these, today our country enjoys a level of prosperity never attained before in our history: a strong and healthy economy; a growing tourist trade; and above all, a reputation on the international scene for honesty, integrity and stability that makes us the envy of many countries around the world. Some, of course, will say this all happened by accident, that these improvements would have come about anyway.

I maintain that our very fortunate position today is the result of God-given guidance and teamwork, the product of sensible decisions taken and sound policies administered by a Government of dependable Elected and Official Members and supported by some loyal Backbenchers in this House. A Government that is not afraid to take what some people would term unpopular decisions in the face of adversity, as long as those decisions are for the benefit of the country. A Government that let it be known that they could not be bought and that this country is not for sale. We are free from corruption, terrorism and political tyranny and we should all be truly thankful for the high standard of living we enjoy in these Islands.

But let us never, ever take any of this for granted. There is certainly no room for complacency because all this can be lost overnight. This is why we must work hard and be determined to preserve those fine qualities that have built both local and foreign investors' confidence in our country that is so critical to continuing prosperity and success in these Islands.

Believe me, this will not happen by accident, but only by careful planning and by upholding the high principles and good image of these Islands for attracting good, clean business, through providing a service of quality and honesty. This must reach across the entire areas of our financial and tourism industries on which we have become so dependent.

Naturally, our favourable position today is not without its inherent problems. For without problems, Cayman would certainly be a utopia and we know that utopia exists only in man's imagination, not in reality. So there are admittedly definite situations and problems that go hand in hand with growth and development. Problems which we must accept as part of our growing pains but we must find the best possible solutions in the interests of the general public. I believe that this Government has certainly adopted this approach.

You know, Mr. President, any government has a tremendous task, because Governments are always expected to guarantee the good life for one and all. But at the same

time, they must protect one and all from any inconvenience or any unpleasantness. A tall order, Mr. President, for which there exists no magic formula. The harsh facts of reality must be faced in the final analysis.

I certainly join in paying well-earned tribute to the many public-spirited persons who sacrifice their valuable time to serve on the various Statutory and Advisory Boards and Committees. I believe that they must find it difficult at times to stomach the abuse and unjustified criticisms often aimed at them but it appears to me that because they are men and women of stature, they generally accept the flak in good spirits. I believe that their reward lies in the satisfaction that they hold of having done their part and having made their contribution to their homeland which remains attractive and desirable to the many who want to work and live in a stable, thriving and peaceful community.

However, I believe that we are in fact fast reaching the stage when service on some of these Boards is becoming a full time job and voluntary service will soon be hard to find. I realise that Government's expenses are increasing annually at a substantial rate and I am not suggesting at this stage that we add a further burden. But here again, demands from the public for services and for expeditious services at that and nobody wants to wait today in Cayman for anything. These demands are increasing, and if they are to be met, someone will have to pay. We all know that "let Government do it" is a quick and famous expression on the lips of many. So it seems to me that in the not too distant future, members of Government Boards on which there is such a heavy work load - the Caymanian Protection Board is only one of them - but it seems to me that eventually these persons will have to be paid something more than a token fee for what is fast becoming a full time job.

Our many churches and ambitious service clubs such as the Lions, Rotary, Kiwanis and other voluntary associations, all play an important role in our continuing development. They fill a pressing need in our social structure that goes far beyond the call of duty and reaches above any measurement in dollars and cents. Sometimes the services they provide could never be paid for with money. In reflecting on our good fortune, I agree that we must never neglect to express thanks and appreciation for these special groups of unselfish and community minded citizens and residents of our country. No government could afford to pay for the volume of work carried out and the care given by these dedicated people in our churches and service clubs.

MR. PRESIDENT: Would that be a convenient point at which to break?

HON. W. NORMAN BODDEN: Yes, Sir.

MR. PRESIDENT: Proceedings are suspended for fifteen minutes.

AT 11:16 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:37 A.M.

MR. PRESIDENT: Debate continuing.
The Honourable the Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, in speaking of people who contribute, I also think of the Civil Service. A large work force mainly of our own people who, in my opinion, are rendering a noble service to our country. Now I know that they are not perfect, but which organisation is? They all have their good and bad, but here I am speaking of the faithful ones who truly serve and are in fact dedicated public servants.

Incidentally, I do not have to wait for Election year to speak my mind about the Civil Service. The Hansard of this House will back my position from 1980 in this regard. I have often said, and I repeat here again, that politicians come and go but the Civil Service forms the backbone of any country. I still believe this, because I feel that a dedicated Civil Service lends itself to maintaining a stable and well run country. They have my respect and I certainly expect theirs in return.

The emphasis Government has placed on training will help prepare Caymanians to continue to fill responsible positions and ensure that they are building a service that is effective and efficient, what I consider to be a sound investment in the future of this country.

Here I would like to join other Members in expressing my best wishes for a well earned retirement to those faithful civil servants who will be leaving the Service at the end of this year, namely the Principal Secretary for Communications, Works and District Administration, Mr. Sammy Jackson; our Auditor General, Mr. Kelly; the Chief Accountant, Mr. Louis Monciffe; and the Collector of Customs, Mrs. Marcla Bodden. I am sure that in their many years of toil they have seen many changes in their Departments, and many changes in Government. But each, in their own way, have made their contribution and left their mark.

Since serving as an Elected Member of Government, I have always held great admiration for the manner in which the Customs Department has been operated. I mean no harm when I single this department out for special mention. A department that in 1987 handled over \$27 million in revenue earnings for this country or approximately 36 per cent of Government's ordinary revenue with what I would say is a comparatively small staff because the collection of import duty is but one area of their responsibility. I say well done, Mrs. Bodden, and the country will of course be expecting similar great things from your successor.

It is also my understanding that our Director of Tourism, Mr. Eric Bergstrom, will not be renewing his contract at the end of this year. Since this is so, let me say here that our country has been fortunate to have had the services of a man of his experience and ability directing the tourism marketing of the Cayman Islands and heading our Department of Tourism for these many years. He has seen these Islands taken from the "Islands time forgot" to a prime up-scale vacation destination in the Caribbean. He has given this country 22 years of faithful service from 1966 to 1973 as head of our Tourist Board as it was called at that time, and from 1973 to the present as head of our Department of Tourism. His services are well deserving of our thanks, gratitude and appreciation, and I certainly express those sentiments now.

Turning to the Judiciary, the demand being made on them through an increase of civil and criminal cases is naturally an unwelcome result of growth and expansion in our particular line of business, which is finance and tourism - one of the attendant problems with which we must learn to cope. Improvement in the court reporting system is a necessity, and will, I believe, prove useful and helpful in streamlining the operation of this arm of Government.

Turning to the Royal Cayman Islands Police Force: On-going training programmes in the Police Force will certainly pay good dividends to this country because there is no substitute for professionalism and the high detection rate is a clear indication and evidence of this. The Force deserves the full support and cooperation of our entire community for without a safe and peaceful country, our future will be placed in serious jeopardy. Any criticism should be helpful and constructive. I am not saying there is not room for criticism from time to time, but it is very easy to sit back and criticise and say what should be done. But many times, remarks and unfounded rumours can bring the Force into ill repute and create

such an unfair image that many young Caymanians with potential are reluctant to consider it as a career opportunity.

I now turn to Immigration. Immigration is a tough and touchy subject for all countries, and Cayman is no exception. First of all, I believe that this Department has borne the brunt of our growth and development more so perhaps, than any other department. I feel that the demands being made on this Department are tremendous and I consider that the strain on suitable office accommodation and the need for an increase in manpower, bearing these needs in mind, I feel that this department is doing a good job for this country.

Any country that provides opportunities for a better way of life will always be sought after. And in the process, schemes will always be devised, loopholes in laws will be used to the best possible advantage and then there are those who will attempt to disregard our Immigration Laws completely. This is a common problem with all countries.

In thinking over all this, and the situation with which we are faced today, I realise that it is only human nature to resist the word "control". In some circles this is a dirty word but it is my own view that you have to control in order to protect and I maintain that while the urgent needs of a developing and progressive country must be recognised and addressed, I realise that these are real needs that we cannot ignore.

Here I would like to pause and pay tribute to the many different nationalities who have helped and contributed to the development and growth of these Islands. I recognise this because this is very evident. I recognise that our continuing dependence on labour from the outside to support our orderly growth and development is a reality. It is natural that a small country such as ours produces professionals at a slow pace and our own labour force is growing slowly in comparison with the needs of growth and development. No one should fault us for wanting to ensure that the systems are in place to maintain the right balances to gauge the right rate of growth that will continue to make a stable country. By doing these things, Immigration, the gateway to our country, must be strictly controlled.

We must continue to be selective of those with whom we decide to share our country. A small country such as ours must maintain an acceptable population balance. We must encourage the right rate of growth and we must be certain that need, not greed, dictates the course we take. Words easily spoken, but difficult to achieve.

Mr. President, no government can accomplish these things alone. The cooperation, understanding and support of the general public are needed. It is not "us" and "they", but "we". We are all on this ship together and the greatest assets we have ever had are the harmonious relationships and pleasant attitudes of our people. In our quest for the almighty dollar we must not neglect nor forget these valuable assets because they form a very integral part of our success.

What I mean is this: if we are not prepared to put up with some inconvenience here and there, a minimum of it; if we are not prepared to make some sacrifices in order to preserve the quality of life for all Caymanians; but simply because of greed we are driven and directed to move development ahead faster and faster and faster, which will mean bringing in more and more workers, filling the pockets of some that are already full and running over; then one day Caymanians will find themselves outnumbered and placed at a disadvantage. Believe me, Sir, it will not be pleasant, and that will be a sad day in our history. Resentment will build, harmony in our society will be threatened and attitudes will be completely changed.

I realise that for many years now we have been experiencing changes in attitudes but a part of that must be accepted. Nevertheless, the systems that will prevent this from deteriorating or becoming into a rapidly changing situation need to be avoided because Government at that time, regardless of which Government is in office, you can rest assured will then be blamed for allowing such a situation to develop and of course, not only blamed, but expected to correct an impossible situation.

There is an old Caymanian saying, Sir, I guess it might be Caribbean, but I will use it here: "there is no use closing the gate after the horse is out". When serious trouble comes to our land; when people get up and they speak about crime increasing, they speak about traffic jams, they speak about all sorts of strange things that this country is facing today - but you can depend that large increases in population will bring more crime, it will bring more of the things that we do not want.

New York City cannot be controlled and cannot be compared today to what it was 30 years ago. It has grown, population growth has changed it and it has brought certain evils with it. What I am saying, Sir, is that sometimes there are advantages in being small, not saying that we should think small or remain small, but I think as intelligent people we must recognise and examine both sides of the coin.

If serious problems come to our land, no one will want us and those who have enriched themselves at the country's expense will leave and seek the good life in another country. This is a true to life scenario of case after case of happenings in many countries. Good development is desirable. Good development is good. Progress must be encouraged but we must learn to handle it to our best advantage. It must be tailored to suit Cayman's particular needs. This calls for a delicate balancing of our priorities which is no easy or simple task but I believe possible. One thing is sure, it cannot be achieved by any government that expects to be popular with all nor by attempting to be all things to all people. There comes a time when one must take a stand.

It is therefore my considered opinion that Government's immigration policies are sound, fairly applied and designed as a genuine attempt to help build the kind of country that future Caymanian generations will want to be a part of. As I said earlier, control has to be accepted if we are to protect.

I would not want to be held to these figures, because they are only estimates but, based on past statistics that are available to me, I would estimate that there are at least 5,000 persons in this country on work permits. This does not include those non-Caymanians employed by Government nor does it include those who are here on temporary work permits. I also have reasons to believe that a large number of new permits were issued in the year 1987, because Government and the Board recognised there was a need. But, as I said earlier, we have to continue to scrutinise applications and to be selective.

In a population of 22,000 this is a large percentage, by any man's standards. Of course, having said that, I can also state that I do not agree with every decision taken by the Caymanian Protection Board and I am sure that they make their mistakes too. But nevertheless, we have a Board of hard working honest people of high repute whose only aim is to do what is best in the long term interests of the Cayman Islands. I can tell you, they have Norman Bodden's support.

Mr. President, the battle against drugs seems to be gaining some ground. This must be an encouragement for all to intensify the war, for indeed it is a war, and a serious one at that. The formation of a National Drug Council is the right approach, and I believe it will receive strong support from a cross section of our community. I have always maintained, and still do, that we do not need more buildings of glass and concrete; we do not need more structures and equipment; but what we need are more field workers, more professionals who can tackle this serious problem in these Islands on a one to one basis. Regardless of what other people might claim, education has to be the answer.

Turning to Environmental Health, I would like to publicly thank the staff of this Department for their cooperation and valuable assistance with hotels inspection, the clean-up of the Seven Mile Beach and other important areas from time to time. I am hopeful that in the course

of this year, beach clean-ups can be programmed on a more regular and frequent basis. I believe that we have the best beach in the Caribbean. It should also be the cleanest. I also here appeal to the public in these Islands to assist us in this effort as well because it is most important to tourism. From time to time, I receive unfavourable comments about the condition and cleanliness of our beautiful beaches from our visitors and this I do not believe, we can afford to ignore or neglect.

As closely as I have been connected to travel and tourism for most of my life, I must admit that during the past three years since I have occupied this seat, I have become more aware of the inter-relationship and indeed the dependence of tourism on our environment. This struck me most forcibly and in this regard, conservation of the country's natural resources is absolutely the key to the future success and well being of our tourism industry.

The establishment of Marine Parks was a step in the right direction. Already we are reaping the benefits of local people who were against this in the beginning, now admitting to marked improvements in marine life. Visitors comment on how much better our underwater attractions are today than they were two years ago. Just as the tourist dollar touches the lives of every man, woman and child in this country, either directly or indirectly, the support and understanding of all, of every man, woman and child, are necessary in order for this country and this Government, or any government, to keep tourism alive and healthy.

My Portfolio will be working closely with the other portfolios and the private sector to implement a proper tourism awareness programme in an effort to educate and create more public awareness at all levels of this fact. All Caymanians, every man on the street, will readily admit our heavy dependence on tourism. Since this is recognised we must therefore likewise readily accept that steps must be taken to preserve those natural attractions and those resources which entice visitors to our shores in the first place and those attractions which will make them want to return to the Cayman Islands again and again.

Mr. President, what I referred to includes even the attitudes of our people. The friendly Caymanian must not disappear because indeed our people remain our best asset to this day. This includes the cleanliness of our Islands, the preservation of marine resources, the creation of national parks, conservation of landscapes of beautiful scenery, historic sites and monuments. It also includes, in my opinion, even the building heights and type of architecture, and incidentally, I want it to be known that I will not support any move to remove the height restriction presently imposed on buildings.

Our tourism development must also be tailored to suit our country's needs and resources. The necessary infrastructure must be in place to match that growth so that a high quality service can be provided and maintained. As one tourism publication recently put it, and I quote, "Increasingly consumers are becoming more critical of the service they receive while on vacation."

This might be repetitious, Mr. President, but I believe repetition creates emphasis. I am pleased to be a part of a Government that has undertaken such ambitious and worthwhile projects that will improve and upgrade services, and of a Government that has seen the wisdom of taking steps to protect the environment and preserve our heritage as much as humanly possible. Of course, I am first of all supportive because of the good to be gained by the entire country and the very important and positive effect they all have on tourism.

Marine Parks which I mentioned a while ago again is one of the projects I refer to. The National Trust is a non-political group which aims, I believe, to preserve points of interest and monuments of significant historical value which will improve and increase tourist attractions which is very vital and important to our tourism industry. We are in truth and in fact very limited as to the attractions we have to offer. We have many that can be developed and I have confidence and faith that this group of hard working, non-political people that formed the National Trust will do a good job towards improving this situation. The National Trust is well worthy of the support of all in this country and should receive it without question or hesitation.

I also refer to the Water and Sewerage and I can tell you, Mr. President, that regardless of how much they talk about these projects being started late, how much they cost and this and that, as a George Towner I am very happy to know that there is a piped water system in place. I look forward to the date and time when this system can be extended throughout our entire Islands. These are not luxuries but they are surely necessities.

I also refer to Environmental and Public Health Programmes, the production of an Economic Development Plan, and the Master Ground Transportation Plan. All of these projects have a direct bearing and effect on our environment which in turn has a very direct bearing and high importance to the continuing success of our tourist industry.

I should also say here that Government is in the process of finalising an agreement with a U.S. firm for the design of cruise ship moorings. Of course, every effort will be made to ensure that the system eventually selected can be installed with minimum disruption to the marine environment which the facilities are intended to protect. This, again, is supportive of tourism and is a step in the right direction.

Yes, Mr. President, 1987 was another good year for tourism in the Cayman Islands and I am especially pleased that the Sister Islands, Cayman Brac and Little Cayman have also been doing so well. 1988 is off to a good start, with January showing a 20 per cent increase over January of 1987. In January this year we had 20,313 visitor arrivals by air as opposed to 16,934 in January 1987. So the 10 per cent increase projected for 1988 seems realistic enough, barring any unforeseen downturns in the U.S. economy, for, as is well known, 83 per cent of our visitors come from the United States.

I thank Honourable Members who have made complimentary remarks about this Government's success in tourism. I accept those remarks in all humility because once again I publicly state that success has been achieved through a dedicated team effort of Government and the private sector.

I pay special tribute to our Department of Tourism and their sales force, our advertising agency of Caprillon and O'Leary, our public relations firm of Cohen and Associates, the airlines in which our own Cayman Airways figures most prominently, the Hotel and Condominium Associations in Grand Cayman and Cayman Brac, our watersports operators, tour operators and even some taxi operators.

That reminds me, Government will have to seek some means of taking disciplinary action against those taxi drivers who are proven as providing a poor service to tourists. While there are some dependable, decent and honest drivers, unfortunately there are also some who go into the taxi business to make a quick buck. But in doing so, they provide a bad service of which my Portfolio receives numerous complaints.

Under the present system, Government's ability to take disciplinary action against those bad drivers is limited and this will have to be corrected at an early stage. I have discussed this situation with the Honourable Third Elected Member of Executive Council. We are both very concerned about this. We feel that it is a threat to our good name, to our good image, and a threat to tourism in general that can affect our entire country and with due respect to all concerned, we do not intend to sit idly by and let this happen and be ignored. I realise that it is a touchy subject, but believe me, I am not afraid to stand for what I believe is right and what I believe is best for this country. That might be a matter of opinion, but that is my opinion.

As I said earlier, we all contribute to tourism in one way or another. We all share in its success and we will all suffer if it fails. Either of these results depend on us, the

Caymanian people. So, I am not unduly affected by the high praise of tourism. I accept that, as I said, very humbly because any person holding this seat or Portfolio is totally dependent on the support that we get from the people, from the facilities, from the infrastructure which all go to make our tourism product. If our product is of high standard and dependable, if services are good, if our people's attitudes are correct, then you can believe that we will remain an attractive tourist destination.

Presently, our tourism product enjoys a high image in the market place and this image must be upheld if we are to continue to experience success. Our favourable results today must never be taken for granted. I said many years ago in speaking on this subject, that complacency is a luxury we cannot afford and believe me, those words are also true today. Protecting this image will not happen without proper planning and effective controls. Some sacrifices and even some unpopular but necessary decisions will have to be made, but in the final analysis, if it means the continuing success of our tourism industry on which we must depend so heavily for our livelihood, then I believe it is worth the price we have to pay.

A report made by a Consultant not long ago, and incidentally this consultant was not employed by this Government, they were employed by an organisation outside these Islands and I had the privilege of receiving a copy of their Report to their employers; but that report claims that Cayman's largest stock in trade is the sense of security in the Cayman Islands. Visitors feel safe here. It also pointed out that other qualities that set our Islands apart are the facts that, and I am quoting, Mr. President, from that Report:

- (1) that the dock is free of solicitors of any kind;
- (2) that the beaches are totally free of intrusion from the squadron of souvenir hawkers, and as a result an atmosphere of tranquillity pervades; and
- (3) the largest number of professional dive services in the Caribbean, 23 in total, put the Cayman Islands in first position as an underwater destination."

Let me make it clear, we have a solemn and serious responsibility to preserve and maintain these special qualities and this Government intends to do just that.

Mr. President, one Member said that Cayman Airways was not mentioned in the Throne Speech. This is true. But, I do not believe that the omission was intentional nor was it done for any ulterior motive. I dare say that more has been spoken on Cayman Airways in this House and accordingly recorded in the Hansards of this House, than any other subject that has ever been discussed in the entire history of these Islands. The public has certainly been kept fully aware and informed of the affairs of the national airline. This fact, I believe, will be readily confirmed by the truthful listening public.

Since I am on Cayman Airways, let me say that Cayman Airways continues to provide a safe, dependable service to our country - a first class service at a reasonable cost. Needless to say, competition is keen and the airline's struggle for survival is as usual demanding the full time dedication of the Company's Board of Directors, the full time and ability of management and staff, the continuing financial backing and support of Government, and of course, it as well continues to need the loyalty of the travelling public. Life has never been easy for the national airline, and while considerable progress has been made, the battle to enable the airline to continue to play its rightful role in providing air services to and within these Islands must continue to be fought.

Cayman Airways is no exception when it comes to economic woes and problems. The difference between Cayman Airways and larger airlines is probably that Cayman Airways' losses are smaller because we have a smaller company and a smaller operation. But airlines are not known to be profit-making operations. I have read of very few. But, progress and improvements have been made, and I will say, as I have said before, that if the airline ever stood any chance in its turbulent history to survive, it holds that chance now.

I would say here that last year Cayman Airways inaugurated scheduled services to Tampa and to Atlanta which opened up new direct markets for tourism. There is a fifth U.S. point still to be selected. Additionally, we have also gained route rights to points in Canada. Because of this development, a study is being prepared by a special Committee of the Company and our Department of Tourism. After this study is completed and presented, recommendations will be made to Government and which Government will have to consider at that time. It is true that the airline's ability to operate additional routes plus a charter programme will depend upon the acquisition of additional aircraft. We cannot expand the route structure any further without additional equipment. But let me make it clear that this Government or Cayman Airways will not rush head-on in a reckless or careless manner to expand the airline by opening new routes and purchasing aircraft to impress anyone, or simply just because it is an election year. It will only be done providing there is reason to believe that there will be favourable economic results for the airline. The statement that I made in this House in 1985 that decisions in the airline must be made on economic and not political grounds still stands good.

Mr. President, I now turn to the Civil Aviation Department. Our Civil Aviation Department rests in the hands of a well qualified, experienced and competent Director of Civil Aviation. This department is efficiently operated. It has done well to cope with the increased demands being made on the services it provides to ensure the safety, well being, convenient and comfortable handling of the travelling public.

It might be of interest to note that during 1987 the Civil Aviation Department handled a total number of 7,161 scheduled flights, 732 charters, 278 private aircraft flights for a grand total of 10,673. And also, that a total of 583,041 incoming and outgoing travellers were processed through our airport facilities. That total is comprised of 533,972 for Grand Cayman, and 49,069 for Cayman Brac and Little Cayman. There are on-going programmes to ensure that the Civil Aviation in these Islands, Grand Cayman, Cayman Brac and Little Cayman, keep abreast of our continuing growth and development and that a high standard of service will continue to be provided to travellers in and out of the Cayman Islands.

The establishment and functioning of the newly formed Civil Aviation Authority will strengthen and streamline the operation of the Civil Aviation Department. Here I would record my thanks to members of the

Authority for the contribution they are making. Our Fire Department is yet another important and dependable department that is efficiently operated by a well trained, dedicated Chief Fire Officer and his crew, who provide a vital service for the safety and protection of all residents and visitors to our Islands. This department is a credit to the whole Civil Service of which our entire country can be justly proud. I do not have words of praise too high for them. I take this opportunity to thank them sincerely and to encourage them to continue to uphold the high standards and good principles for which they are well known. I am pleased that in the course of this year the much needed and long awaited George Town Central Fire Station will be completed.

A few days ago we had a very pleasant opening of the substation in West Bay, and I, being a part West Bayer myself, am pleased that that station has become a reality and is now in service. I am sure that the Fire Station in George Town will be another fine building, and a good addition to the fire fighting facilities to which our Fire Department is well deserving and well worthy of. It will enable them to do an even better job, if that is possible.

I now turn to the subject of Labour. We are so fortunate in this country to have the problem of over-employment. But, over-employment, like unemployment, has its hazards even though perhaps of a lesser degree from a materialistic point of view. But over-employment can

bring with it the error of complacency and the evil of a loss of pride in a job well done. The attitude can fast develop that if I lose this job it does not matter I can easily find another. I say that these are only two of the serious mistakes that can be made by the work force of any country, a country that is privileged to experience the enviable position we have today in the Cayman Islands.

Regardless of how well received or acceptable my comment might be, I certainly take this opportunity to encourage our people to do a good job in whatever they undertake to do, whether it is street sweeping or management of one of our many banks or hotels. The old adage of "any job worth doing is worth doing well" still rings true.

I take this opportunity to encourage our workers to become more productive which will result in a better service to the general public who pay good money and not only expect but are entitled to receive a good service in return. Higher productivity will also reduce the need to bring in more workers from the outside. I would also encourage our workers who are doing well today, those who are earning good money, that they will remember the wisdom of saving for a rainy day, because the day can come when our outlook is not quite so rosy as it is today.

Mr. President, lest I be misunderstood, let me state here that my vote is cast with the workers and always will be as long as they are right. They have my full support and understanding but I would scorn the action to mislead them to gather a few votes. Every Caymanian in this country has a right to be given every opportunity to fill responsible positions and therefore benefit from the growth and development of their own native land. This is generally the case, although there are a few isolated instances where this is not so. But the Caymanian Protection Board affords the workers in this country maximum protection in ensuring that Caymanians are offered employment first and that employers have adequate training programmes in place so that hard working and capable Caymanians can eventually move up the ranks.

This is the way it should be, and this must continue to be the case so that the right balance is preserved, and the harmony which makes this country stable, peaceful and attractive is maintained. This is why I feel at times that the Caymanian Protection Board finds itself in a Catch 22 situation as far as popularity is concerned because it is objected to and severely criticised by the very people that it devotes its time and energy to protect. But, as I said earlier, we can never preserve the qualities that made this country popular nor can we build it into the kind of country we all want it to be without proper planning and reasonable controls. This cannot be achieved with everyone doing as they please. This cannot be achieved if our society becomes undisciplined and lawless.

I agree that our people must be trained, because it is only through education and proper training that workers can be expected to provide a good service. I do not believe that anyone in or out of this House can truthfully claim that Government and the private sector are not doing their part to make training available to the majority who will apply themselves well.

In the Throne Speech, training is mentioned no less than 15 times. Some of the more important mentions were: in-force training programmes in the police force; the recent appointment of the Director of Training; 21 serving officials are on courses overseas; in-service training in education; training programmes for hotel and industry staff which were sponsored by the Hotel and Condominium Association; Government training of air traffic control officers; fire prevention training programmes; and the Labour Office will work with all trade associations to encourage training schemes for young Caymanians. So, never in the history of our country have so many training opportunities been made available. Our young people have many golden opportunities that they can take advantage of and many of our young people in fact do so.

I have said all this to dispel the claim of the Opposition that Government is doing nothing to encourage training. The Labour Office and the Director of Labour, which incidentally is the only staff increase that this department has had - it has only been increased by one member - but this office continues to render a valuable service to this country at a very reasonable cost.

The Labour Law, which was passed last November and which will come into effect on 1st March, will do much to strengthen the Labour Officer's role in ensuring that the rights of workers and employers alike are upheld and respected. No longer can this be left to a person's whim or fancy. I would remind the House, as I said in my presentation of the Bill for this Law last November, I lay no claim that it is a perfect piece of legislation, and I have no doubt that when it is put into practice on a day-to-day basis there will be need for certain amendments. Government have said that there will be a six month settling-in period when the penalty provisions will not be imposed. Government has done and is doing their part, and here I would appeal to the public for them to do their part in assisting with the implementation of this Law through close cooperation with the Director of Labour and his staff.

Mr. President, the Honourable Third Elected Member of Executive Council and the First Elected Member for Cayman Brac have very ably made their case for the Sister Islands. I can only add that I am pleased to see the growth in tourism in Cayman Brac and Little Cayman for they are even more dependent on tourism in a sense than is Grand Cayman. The increase in air arrivals requires that proper terminal facilities be provided. I, like the Members from Cayman Brac, look forward to the completion of the Airport Development which is the Terminal Building, the Control Tower and the Fire Station and I might add that steps are also being taken to improve the runway on Little Cayman so that Cayman Airways will be able to provide a better service. As far as Cayman Airways is concerned, while the inter-island service is far from being perfect - and it never has been, I can truthfully say that no requests from the Cayman Brac people have ever been ignored. But the service is constantly under review, much time and consideration is given by Cayman Airways staff in consultation with the Cayman Brac and Little Cayman Tourism and Hotel Association to produce the most convenient schedules possible. I can assure the people of the Sister Islands that this will continue to be the case for as long as I occupy this seat.

Mr. President, many Members have referred to the fact that this is an Election year. I am certain that even had the public forgotten this, that by listening to Members' debate of the Throne Speech, they will have by this time been reminded of this fact. Here I am reminded of the Congressman who travelled to Washington for a meeting to decide whether Florida should go on daylight savings time or not. When he returned to Miami the press was there to greet him and very anxious to find out what his decision was. He said "Well, all I can tell you is that some of my friends are for it, some of my friends are against it, and I am sticking with my friends."

Some Members of this House have declared their political stand for the forthcoming 1988 General Election. I will say this: whatever my personal decision might be, I sincerely trust that if I decide to stand again in 1988 for a third term, that the people of George Town will see fit to elect me as their representative for another year. But let me say here, whatever my position might be at that time, I am certainly prepared to support the present Elected Members of Government if they stand and those Backbenchers who have supported the present Government and its policies.

Cayman is once again at the crossroads. It is true every Election is becoming more critical and more important to this country. The Election of 1988 is extremely important to our future success. The running of Government is becoming more complex and more demanding daily. There is a call and need for people of calibre, quality and stature to represent our land.

Television is available to almost all Caymanians, and we are well aware of the corruption that can come to countries whose leaders choose to head in that direction. I will not call these countries by name, but they are well known, and I will leave it to the public. I believe that this country is very small, our community is small. We are all well known to the populace. They know our pedigree

regardless of what we get up and say or claim. I know that there will be much political rhetoric between now and 16th November, but I have faith and confidence in my people that they already know what they should do in the better interests of this land. I believe that they will make up their minds of their own accord, that they will give their support to those candidates of honesty and integrity who will keep this country - our country - on a stable and steady course of continuing orderly growth and development for the benefit of all.

Thank you very much, Mr. President.

MR. PRESIDENT:

Proceedings are suspended until 2:20 P.M..

AT 12:50 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:20 P.M.

MR. PRESIDENT:
one small statement?

Proceedings are resumed, but before we go on, may I make

Mr. Eric Bergstrom had decided not to renew his engagement with the Government otherwise I would certainly have mentioned him in the context and the terms in which the Honourable Second Elected Member of Executive Council did before lunch.

Thank you.

debate on the Throne Speech?

Does any Member wish to speak in the continuation of the

The Honourable First Official Member.

HON. THOMAS C. JEFFERSON:

Mr. President, I am personally encouraged and pleased with the decorum which Honourable Members have restored to this honourable House of the Cayman Islands. It illustrates our ability to put our points across which, in most cases, are better made and the public are more pleased with them.

His Excellency the Governor's first Throne Speech, by any standard, has been warmly received and appreciated by Members. I think that it would also be fair to say that the length of the speech is just about right, long enough to cover the subjects comprehensively. We have also welcomed the new Chief Justice, who we are certain will find his responsibilities challenging and, we pray, rewarding. We offer our assistance to him.

The Police Department has made some substantial accomplishments in the training of officers and the localising of the Police Force. The 1987 Royal Cayman Islands Police Annual Report speaks well of the performance of the officers, but on a lighter note, when I looked at the crimes committed such as murder, rape, wounding, assault etcetera, it reminded me of an author's expression of what the monkeys have said about mankind. I would like to share it with you and Honourable Members - but as I say, on a lighter note:

Three monkeys sat in a coconut tree,
discussing things they said to be.
Said one to the others, 'Now listen you two,
there's a certain rumour that can't be true,
that man descends from our noble race -
the very idea is a disgrace.
No monkey ever deserted his wife,
starved her babies or ruined their life.
And you have never known a monkey monk
to leave her babies with others to bunk,
but to pass them on from one to another
till they scarcely know who is their mother.
And another thing: you will never see
a monkey build a fence around a coconut tree
and let the coconuts go to waste
forbidding all other monks to taste.
Why if I put a fence around this tree,
starvation would force you to steal from me.
Here's another thing a monkey won't do:
go out at night and get in a stew
or use a gun or club or knife
to take some other monkey's life.
Yes, man descended, the honorary cuss,
but, brother, he didn't descend from us!'

Only a lighter note, Mr. President, and I hope it is taken that way.

All of us make mistakes. But what I believe is important is that we learn from our mistakes and take the necessary corrective action to ensure that the same mistakes do not happen again. What is still of concern to all is the continuing increase in the drug related crimes. We look forward to the activities of the newly proposed National Drugs Council and the continued efforts of the Police Department.

Mr. President, a few Sunday nights ago I was fortunate to be able to view the testimony of a Mr. Leigh Ritch before the Senate Foreign Relations Committee on Narcotics. To put it mildly, it was a revelation. He talked about Cayman in the 1970's, naming the banks that easily accepted suitcases full of money, and then took one to three per cent of the cash for counting and handling it; that in the early 1980's he had to move the cash to Panama because we in the Cayman Islands were tightening the controls on illegal activities such as Lear jets arriving with suitcases full of cash.

He went on to talk about the activities in Panama and I noticed the Caymanian Compass on Tuesday 23rd February, 1988 has covered the illegal operation in Panama sufficiently so I do not propose to speak on it today. What is important, I believe, to draw from that testimony is that the Cayman Islands Government and the Bankers' Association in the early 1980's developed a Code of Ethics under which all banks should operate together with the negotiation and commitment to the signing of a Narcotics Agreement between the United Kingdom, the Cayman Islands and the United States. We heard in 1984 when dealing with the legislation which was necessary to bring into operation the Agreement, that accounts were being closed and that companies were leaving for other offshore destinations. Perhaps Mr. Ritch's operation was one of those being referred to at that time.

What now is certain is that the Narcotics Agreement was an important, and I would put it, brilliant decision by the Government. It has played an important role in bringing us to the enviable economic and financial position we enjoy today. We hear of the difficulties being

experienced by banking institutions which are operating in Panama. We also hear of the heavy banking fees introduced in the Bahamas and the industry's unhappy reaction to it.

The Cayman Islands are continuing to attract banks from all corners of the globe and we commit ourselves to ensuring that banking supervision in these islands meet international standards. No doubt we will have approaches from banks that are presently located in Panama and also from the Bahamas, but if any of us hear any bad-mouthing about the banking inspectorate, you can rest assured it is because the application did not meet our standards and got turned away.

The Cayman Islands' financial industry, in my view, is mature, and with that maturity comes responsibility. We will ensure to the best of our ability that the operations remain clean and above board. So, Honourable Members, if you hear that an application has not been approved, it will be mainly because it has not met our high international standards. Cayman does not need mediocre business. We are not looking at promoting anything other than good clean business. Anything less, in my view, is damaging to all Caymanians.

While we enjoy the blessings of a healthy economic growth, a booming financial industry, an ever-increasing number of tourists and construction taking place just about everywhere on these islands, I believe it is also my duty to call to attention the high cost of doing business and vacationing in these islands, to ask all to give their full support to hold down that cost and to refrain from tacking on another dollar if the bottom line is already healthy. We have heard a few comments here and there about the cost in the Cayman Islands. We know quite a bit of it is because the Cayman Islands' dollar is by far the strongest in the Caribbean and when we compare it to the United States' dollar, it could be that some are of the belief that they are getting more if they go to another destination in the Caribbean. But I think, having visited the Cayman Islands, they might come to the realization that if you want something good, you have to pay the price.

Training, as mentioned by other speakers, I believe is of paramount importance in this country, whether it be in the public service or the private sector. When we have an ever booming economy, expanding more rapidly than the country can produce the manpower locally, it is necessary to ensure that the local persons receive the training they require in order to take their rightful place in both the public and the private sector. I am sure that a lot of training is taking place in the private sector and in the public sector but like everything else, we could always do a little bit more. I will use whatever influence I have to encourage a little bit more to be done.

Many Members paid tribute to the Master Ground Transportation Plan and I share their views. It is a good document but it is also a very costly document. What I believe also requires urgent attention is the present state of the Seven Mile Beach road in particular and also Walkers Road - roads that had to be dug, trenched, whatever we call it, in order to bury sewerage, water and petroleum pipes. I believe it is important for us to ensure that those companies' obligations to restore the road to its original state be done, so that Government can focus its attention on implementing some of the recommendations in the Master Ground Transportation Study, that is deemed to be urgent.

We have seen a considerable amount of work done, the realignment of roads in different parts of the island, not only for roadwork sake, but mainly for the improvement of traffic flow and to reduce the traffic accidents and fatalities that have occurred over the last couple of years in particular. We know that Spotts Road was one that we undertook last year to realign at a cost in excess of \$400,000 and we also know that in 1986 we did some important works that were necessary to the road between Breakers and the cross road at Frank Sound, which cost us about \$350,000.

What we have to bear in mind is that there are only so many dollars to be divided. You divide a major portion to deal with Recurrent Expenditure, that is salaries and other costs to allow the 35 departments of Government to maintain the service, and I would say the efficient service they are giving to the public. There are one or two cases that Members may not agree with me on but we will always have some weakness in the Civil Service just as we have it around, even in our families, just as we have weaknesses in ourselves. We will always have it with us, so we can keep pointing to the weak side and forget the majority is the good side. If I am going to make an error I will go on the good side, and that is looking at what is good, because I believe what is good encourages us to do even more.

Mr. President, I was a little bit taken aback by the number of civil servants who had made a decision to retire during 1988 and to realise that they had given, among them, 68 years of service. When you add that of the Director of Tourism along with this figure, you are getting close to 100 years. I am not sure if this 68 includes the years that Sir John Summerfield gave to this country - I do not think it does. If it does not, then we have 100 years divided among them. I have never seen, in my short time in the Service, so many senior members of Government holding important key positions in Government, retire within, shall we say, fourteen months. I think there is certainly a void that we will be left with because of their personalities in particular, their duties and responsibilities and the characters of the individuals who have responded in a positive way to the wishes of Government and to the service to the people of this country. I do not need to name them, they have been named so many times since you delivered this gracious Speech on 12th February, that I am sure the public knows exactly the persons I am talking of. Just in case they do not, I will go the second road again.

I think, beginning with Sir John Summerfield, I believe that this country was fortunate to have him come to us in 1977, and I believe that a lot of what we have seen develop in this country he has played a most important role in bringing it about. International investors put a great deal of faith in the judicial system of a country and the way it operates which means to them that they have a fair chance if somebody takes action against them that their case will be heard and justice will prevail.

The other member of staff who will be retiring is the Principal Secretary for Communications, Works and District Administration, Mr. Sammy Jackson, who, for many years, was the Port Director and I believe did a very able job in forming it, setting it up initially and running it to a very efficient standard. I believe the country will remember him more in those duties, perhaps than the short time he has been the Principal Secretary for Communications, Works and District Administration. He has performed, I am sure, to the best of his ability, and his dedication to the service and to the Government in particular, will be long remembered.

The Chief Accountant came to us, I believe, in 1970 or 1969. He too, I believe, was a person who came at the right time. His ability was certainly needed in those years and the years thereafter. When we realise that budgets in those days were \$2 million or \$3 million and it is now at \$84 million, the Treasury's performance, I think, can truly be seen, without a great deal of expansion in staff over the years, they have truly been the dedicated civil servants led by Mr. Moncrieffe that we are happy to have with us.

The Collector of Customs, Mrs. Marcia Bodden, has spent a great deal of her life in many different responsible posts in Government. I believe she spent a decade or more in the George Town Public Library. She spent a substantial amount of time in the Treasury, rising to Chief Accountant and perhaps for more than a decade as Collector of Customs. She has given of her time, effort and dedication to the people of this country and she has performed, I am certain, to the best of her ability. We the people of the Cayman Islands, will be indebted to her for a long time to come.

I do not propose to speak on the Departments of Finance and Development, I believe it would be wrong of me to try to bias anyone by what I think the Portfolio does. But I am sure that when we realise that Government is just one body divided among 35 different departments whose services are in specialised areas, the important thing to remember is that it is the public we are serving. Any time the services break down it is them that you get short changed. We will dedicate ourselves to doing all we can to ensure that the services to the people of the Cayman Islands remain at a high standard.

Thank you very much, Mr. President.

MR. PRESIDENT:
Throne Speech.

I shall put the question on the motion on the

QUESTION PUT: AGREED. THAT THIS HONOURABLE HOUSE RECORDS ITS GRATEFUL THANKS TO HIS EXCELLENCY THE GOVERNOR FOR THE GRACIOUS ADDRESS DELIVERED ON FRIDAY, 12TH FEBRUARY, 1988.

MR. PRESIDENT:

Before we proceed to the adjournment, may I join the Honourable the First Official Member in remarking upon how capable and equable and indeed good humoured the debate has been at this meeting, and how the respect and self respect shown is a great credit to this House and, small as it is, an example to many other Houses in the Commonwealth.

Members extended to each other and even more happy that they extended it also to the Chair. Our next meeting promises a very, very substantial agenda.

I was particularly happy to notice the courtesy that

Serjeant and all the backroom staff of the Assembly for their fine

Finally, may I thank the Clerk, her Deputy, the support of the work of the House.
Thank you.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:

ended, I move the adjournment of this honourable House until the 18th day of April, 1988.

Mr. President, the business of the House being

MR. PRESIDENT:

until 10:00 a.m. on the 18th of April, 1988.

The question is that this House do now adjourn

QUESTION PUT: AGREED.

AT 2:47 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., MONDAY 18TH APRIL, 1988

MR. PRESIDENT:

The House stands adjourned accordingly.

**SECOND MEETING OF THE 1988 SESSION
OF THE CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

MONDAY, 18TH APRIL, 1988

(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, OBE	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 1988 SESSION OF THE
LEGISLATIVE ASSEMBLY**

**MONDAY, 18TH APRIL, 1988
(FIRST DAY)**

1. PRAYERS

To be read by the First Elected Member for the Lesser Islands.

2. PRESENTATION OF PAPERS AND REPORTS

**REPORT OF THE STANDING FINANCE COMMITTEE
(Meeting held Thursday, 3rd March, 1988)**

To be laid on the Table by the Honourable First Official Member, Chairman of the Standing Finance Committee.

3. QUESTIONS TO HONOURABLE MEMBERS

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

- NO. 2: Can the Honourable Member state if any reductions were made in the quantity of the percentage increases recommended by the Hall Report on the salary review for 1988?
- NO. 3: Can the Honourable Member state if the 1988 Hall Report on the salary review was implemented in its entirety?
- NO. 4: Can the Honourable Member state if the increase given to M.L.A.'s salary in January, 1988 reduced the quantity given to the Civil Service in January, 1988?

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

- NO. 5: Would the Honourable Member say:
- (a) what was the extent of the contracts for dredging given by Government since 1976;
 - (b) where was the dredging supposed to have taken place; and
 - (c) who were the contracts awarded to?

**THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE
FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR
DEVELOPMENT AND NATURAL RESOURCES**

- NO.6: Would the Honourable Member say:
- (a) whether it is correct that pipes recently installed in the water/sewerage project have been bursting open and creating leaks;
 - (b) if the answer is in the affirmative, whether it is correct that a local contractor has advised Government that these were not the correct pipes for the project; and

- (c) whether Government will insist that these pipes be removed by the company that installed them and that they be replaced with the proper ones?

4. GOVERNMENT BUSINESS

BILLS:-

FIRST AND SECOND READINGS

- (1) The Currency (Amendment) Bill, 1988
- (2) The Births and Deaths Registration (Amendment) Bill, 1988
- (3) The Tourist Accommodation (Taxation) (Amendment) Bill, 1988
- (4) The Caymanian Protection (Amendment) Bill, 1988
- (5) The Penal Code (Amendment) Bill, 1988
- (6) The Roads (Amendment) Bill, 1988
- (7) The Traffic (Amendment) Bill, 1988
- (8) The Misuse of Drugs (Amendment) Bill, 1988

COMMITTEE STAGE

- (9) The Currency (Amendment) Bill, 1988
- (10) The Births and Deaths Registration (Amendment) Bill, 1988
- (11) The Tourist Accommodation (Taxation) (Amendment) Bill, 1988
- (12) The Caymanian Protection (Amendment) Bill, 1988
- (13) The Penal Code (Amendment) Bill, 1988
- (14) The Roads (Amendment) Bill, 1988
- (15) The Traffic (Amendment) Bill, 1988
- (16) the Misuse of Drugs (Amendment) Bill, 1988

5. ADJOURNMENT

To be moved by the Honourable First Official Member, Leader of Government Business.

TABLE OF CONTENTS

	PAGE
Prayers	1
Presentation of Papers and Reports	
Report of the Standing Finance Committee (meeting held on 3rd March, 1988)	1
Questions to Honourable Members	
Question Nos. 2 and 3	2
Question Nos. 4, 5 and 6	3
Government Business	
Bills:-	
The Currency (Amendment) Bill, 1988 - Second Reading	5
The Births and Deaths Registration (Amendment) Bill, 1988 - First and Second Readings	6
The Tourism Accommodation (Taxation) (Amendment) Bill, 1988 - First and Second Readings	6 & 7
The Caymanian Protection (Amendment) Bill, 1988 - First and Second Readings	7
The Penal Code (Amendment) Bill, 1988 - First and Second Readings	8
The Roads (Amendment) Bill, 1988 - First & Second Readings	12
Adjournment	22

MONDAY

18TH APRIL, 1988

10:00 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:

Please be seated.

Official Member.

The Assembly is in session. Papers. The Honourable First

PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE STANDING FINANCE COMMITTEE (MEETING HELD 3RD MARCH, 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 meeting held on 3rd March, 1988.

MR. PRESIDENT:

So ordered.

HON. THOMAS C. JEFFERSON:

Mr. President, that meeting approved a total supplementary expenditure of \$3,414,280.33. It could be summarized as follows:-

- (1) **HEAD 09 - COMMUNICATIONS WORKS & DISTRICT ADMINISTRATION - SUB-HEAD 12-010 - VEHICLE MAINTENANCE & HIRE - CI\$92,500.00**
To provide additional funds to supplement the erroneous reduced budget submission in the 1988 Estimates to deal with vehicle maintenance and hire charges.
- (2) **HEAD 10 - FINANCE AND DEVELOPMENT - SUB-HEAD 01-004 SALARY REVIEW - CI\$1,850,932.00**
As we remember, approximately CI\$1,000,000.00 was inserted in the 1988 Estimates, because at that time the salary Commissioner's Report was not available. It having been available, we then saw the total quantum of the salary exercise, and that is the reason for the supplementary expenditure of CI\$1,850,932.
- (3) **HEAD 18 - SUB-HEAD 41-020 - PURCHASE OF LANDS - CI\$308,333.33**
To procure property in George Town East, Block 20B, Parcel 21 - for the immediate and future expansion of the Public Works Department and the Central Funding Scheme.
- (4) **HEAD 23 - SUB-HEAD 41-001 - TOURISM, AVIATION AND TRADE - AIRPORT DEVELOPMENT - CI\$87,000.00**
To effect repairs and upgrading of the Little Cayman Airport facility.
- (5) **HEAD 10 - SUB-HEAD 08-047 - FINANCE AND DEVELOPMENT - CARIBBEAN DEVELOPMENT - CI\$167,502.00**
For the re-vote of funds for the Caribbean Development Bank, AIDB. In the agreement with Caribbean Development this Government agreed to inject into that body a sum of US\$200,000.00; and this is the CI equivalent.
- (6) **HEAD 31 - SUB-HEAD 39-016 - TREASURY DEPARTMENT - CDB SEWERAGE LOAN INTEREST AND CDB WATER SUPPLY LOAN INTEREST CI\$595,574.00**
- (7) **HEAD 28 - SUB-HEAD 41-015 - POSTAL DEPARTMENT - MINOR WORKS - CI\$12,000.**
Re-voted for works which have not yet been completed at the end of 1987 for the upgrading of the Hell Post Office and the shops.
- (8) **HEAD 10 - FINANCE AND DEVELOPMENT - CI\$300,439.00**
For the re-vote of capital funds not spent in 1987, broken down as follows:-

Sub-Head	Item	Description	Amount
41	009	Farm Development	\$ 22,231
41	010	Fire Service Buildings	16,234
41	018	Prison Buildings	106,971
41	019	Public Buildings	51,473
41	006	Fire Service Buildings	103,530

In that meeting other matters were considered. Finance Committee gave its approval to an overdraft facility of CI\$4.5 million, which is the standard overdraft which expires at the end of twelve months, and on this occasion it is being renewed for the similar amount. There is no need in the foreseeable future for this overdraft, but it is always good to have it in place.

The Committee also gave approval for an increase of the loan for the sewerage system from CI\$3.3 million to CI\$3.9 million. Another was the Port Authority guarantee of CI\$600,000.00 to enable the authority to raise financing for the construction of, I would say, a badly needed office building.

Write-offs of uncollectable overseas medical advances were also approved. Writing off immediately an amount of CI\$881,966.01, which were deemed uncollectable by the Portfolio. A further write-off in future a substantial portion of the sum of CI\$749,993.92 when and where such overseas medical advance accounts are deemed uncollectable.

The Committee also approved an unsecured loan of CI\$100,000.00 to Triple "C" School. That loan, being approved some years ago, but it approved on this occasion an extension of the period of repayment from 10 years to 15 years, and also the waiver of the interest for the period of non-payment on the loan. There was a period of approximately 18 months when payment was not possible by the school and Finance Committee, knowing the importance of education on private schools contribution to this Government, agreed to waive the interest.

(9) CAPITAL ROAD WORKS - WEST BAY
THAT Finance Committee -

- (i) stand by its decision made on 2nd December, 1987 in relation to the priority of capital road works to be undertaken by PWD in each district;
- (ii) the capital roads list for West Bay, which PWD has costed, be completed in full; and
- (iii) further that the works be undertaken before PWD moves out of the district to commence work in other districts.

The Committee also requested the Chairman to look into the need for additional funds of CI\$8,000.00 to enable the dock at Old Man Bay to be completed.

- (10) **SUB-HEAD 41-023 - SPORTS/PLAYING CENTRES & PARKS**
THAT the Member responsible for the Portfolio of Communications Works and District Administration, look into the request approved by Finance Committee on 2nd December, 1987 to provide funds for the rental of a swimming pool for the Cayman Brac schools with a view to activating the arrangement.
- (11) **RESERVE FUND**
Finance Committee also approved that the Government utilise CI\$2 million of the reserve fund for the purposes of supplementing expenditure for 1988 if deemed necessary.

Thank you, Mr. President.

MR. PRESIDENT:

Questions. The Elected Member for North Side.

QUESTIONS TO HONOURABLE MEMBERS

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

NO. 2. Can the Honourable Member state if any reductions were made in the quantity of the percentage increases recommended by the Hall Report on the salary review for 1988?

ANSWER: There were no reductions in the quantity of the percentage increases recommended in the Hall Report. The range of increases which were recommended and awarded varied between 12.9% and 8.8% at the lower and upper ends of the salary scales, respectively.

SUPPLEMENTARY

MR. D. EZZARD MILLER: Could the Honourable Member state if any of these percentages were extended to the regrading given to the Members of the Legislative Assembly by Finance Committee in November?

HON. THOMAS C. JEFFERSON: Mr. President, the answer to that question is, no.

MR. PRESIDENT: Next question, please. The Elected Member for North Side.

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

NO. 3. Can the Honourable Member state if the 1988 Hall Report on the salary review was implemented in its entirety?

ANSWER: The answer to this question is no. Like all previous quadrennial reports, the Government has always found it necessary to effect certain changes to the proposed recommendations as presented. Such changes are normally the result of concerns expressed through consultation with the Civil Service Association, or where the Government is of the view that the administrative structure of the service could be adversely affected, if such recommendations were to be accepted as presented.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: Could the Honourable Member state if Finance Committee, that is, MLA's were involved in any of the decisions taken not to implement certain sections of the Hall Report?

HON. THOMAS C. JEFFERSON: The answer to that is no. Government took the decision on its own, not Finance Committee.

MR. W. MCKEEVA BUSH: A supplementary, Mr. President. When he says "Government", does he mean Governor in Council?

HON. THOMAS C. JEFFERSON: That is correct, Mr. President.

MR. PRESIDENT: There appear to be no further supplementaries. The third question please.

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

NO. 4. Can the Honourable Member state if the increase given to M.L.A.'s salary in January, 1988 reduced the quantity given to the Civil Service in January, 1988?

ANSWER: Mr. President, the increase to the MLA's salaries in January of this year did not have any effect on the quantum increase awarded to Civil Servants. The increases to Parliamentarians and Civil Servants were \$219,596 and \$2,587,212 respectively, and there was no reduction in the latter in order to effect an increase in the former.

MR. PRESIDENT: No supplementaries it appears. The Second Elected Member for West Bay.

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

NO. 5. Would the Honourable Member say:

- (a) What was the extent of the contracts for dredging given by Government since 1976;
- (b) Where was the dredging supposed to have taken place; and
- (c) Who were the contracts awarded to?

ANSWER: Government did not award any contracts for dredging since 1976, however, several licences were approved as follows:

(1) **SCOTT DEVELOPMENT CO. LTD.** - 27th June 1979: to excavate sand at Crawl Bay, Cayman Brac. An extension of the licence was granted on the 18th May 1985 for a continuation of excavations to Dennis Point;

These licences were for a period of 2 years in each case.

(2) **MORGANS HARBOUR** - 29th April 1980: To excavate a basin for a marina at Batabano;

(3) **CAIMACAM (CANAL POINT)** - 3rd July 1982: To excavate a channel from the shore of the development behind the Greenery to link up with the deep water off the Snug Harbour area. They were also permitted on 1st July 1986 to deepen the water along the shore of the development.

(4) **JUNE BORDEN** - 11th May 1982: To excavate a channel offshore from the development at Batabano;

(5) **GOVERNMENT** - January 1983: To create a boat channel at Batabano for Her Majesty the Queen's visit.

(6) **DANIEL SIMMONS** - 8th March 1983: To excavate a channel offshore from a development at George Town Barcadere;

(7) **CAYMAN ISLANDS YACHT CLUB** - 11th June 1985: To deepen and widen the channel into Governor's Creek;

(8) **MARINE DIESEL** - 9th December 1986: To excavate a Marina at Batabano;

(9) **SAFE HAVEN LTD.** - 22nd December 1987: To dredge for fill in an area offshore at Welch Point in the North Sound.

This licence is for a period of 18 months from the date of execution.

SUPPLEMENTARY

MR. W. MCKEEVA BUSH: A supplementary, Mr. President. Can the Member say whether he has any information on a dredging contract or application for licence for the dredging of the area commonly known as the Sand Bar in the North Sound sometime in the course of 1980?

HON. VASSEL G. JOHNSON: Mr. President, I am not aware of any such application, that is, a formal application to Government.

MR. PRESIDENT: No more supplementaries? Proceed to question No. 6, 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. 6. Would the Honourable Member say:

- (a) Whether it is correct that pipes recently installed in the water/sewerage project have been

bursting open and creating leaks;

- (b) If the answer is in the affirmative, whether it is correct that a local contractor has advised Government that these were not the correct pipes for the project; and
- (c) Whether Government will insist that these pipes be removed by the company that installed them and that they be replaced with the proper ones?

ANSWER: It is not correct that the pipes on either the sewerage or water supply project have been bursting open and creating leaks.

SUPPLEMENTARIES

MR. JOHN B. McLEAN: A supplementary, Mr. President. I wonder if the Honourable Member could say whether there have been any leaks at all regardless if the pipes were burst or how it happened?

HON. VASSEL G. JOHNSON: Mr. President, there are two aspects to a contract, one is the work to be done, and secondly, its acceptance by the owners. In this case there have no doubt been leaks here and there in the laying of the pipes, but those leaks have had to be corrected before the work is accepted by the owners. This has happened as in other cases, but as far as the accepted work taken over by Government is concerned, those pipes are in good order.

MR. G. HAIG BODDEN: Mr. President, may I ask the Honourable Member what caused the leaks which he has just admitted to?

HON. VASSEL G. JOHNSON: Mr. President, in examining those small leaks, it was found that there was an entrapment of material in the joints, and this would no doubt cause the pipes to leak. The contractors found this, they opened the trenches, examined the pipes, removed those entrapments and the pipes worked well.

There was another case, where because of the leak, the contractors examined the pipe and found that the leak was caused by a broken pipe collar which was replaced, and so the pipes worked well afterwards. Those are the only two cases that I know of, where leaks were caused, and these were rectified and done so before the work was accepted by Government.

MR. JOHN B. McLEAN: A further supplementary, Mr. President. I wonder if the Honourable Member could say whether it is correct that in certain areas of the Seven Mile Beach sewerage trucks had to be used to remove sewerage, because of certain cracks in the pipe?

HON. VASSEL G. JOHNSON: Mr. President, that is news to me, Sir.

MR. JOHN B. McLEAN: Well, Mr. President, it is not marl road talk, it is the truth. A further supplementary. Is Government satisfied that the present pipes used in the project are the correct ones?

HON. VASSEL G. JOHNSON: Mr. President, Government examined the pipes proposed in the first instance to be used on the sewerage project and was satisfied that they were the right pipes. They are, what is known as gravity vitrified clay pipes used from the early Roman days and still under the earth working well in some countries, so they should not pose any problem here in the Cayman Islands.

Because of the large volume of water that was discovered in the trenches dug for the laying of these pipes, the contractors were faced with certain problems where they had to begin a diving process for the laying of these clay pipes. At that stage it was decided between the contractors and Government that in order to speed up the work and to eliminate some of the problems that they would change the main lines from GVC to PVC pipes. This was quite acceptable, because the PVC pipes had been tested and found to be of long duration and very efficient in the service.

MR. JOHN B. McLEAN: Mr. President, a further supplementary. I wonder if the Honourable Member could say whether Government sought any independent advice on the type of pipes used other than the advice given by the contractor?

HON. VASSEL G. JOHNSON: Mr. President, we certainly do not accept the contractors' word in anything at all, that is why Government appoints consultants in these various projects. The consultants are supposed to examine very widely all the aspects of the contract, the work to be done, and must satisfy Government that what is being proposed is the correct material. Now, all this is done before the project goes to contract, it is not really the contractor choosing the material, it is decided on before the contract is awarded.

MR. JOHN B. McLEAN: Mr. President, another supplementary. I wonder if the Honourable Member could say what are the terms of the guarantee that will be given by the contractor on this project?

HON. VASSEL G. JOHNSON: Mr. President, it is usual in all contracts for a retention sum of money to be held back for a period of between six months and a year. I think in this case it is six months, and the guarantee period runs for that length of time.

MR. JOHN B. McLEAN: Mr. President, should there be some problem as was stated, am I to understand that after the six month period it will be at the country's expense?

HON. VASSEL G. JOHNSON: "As for the guarantee" means that after the guarantee expires then it is the owners expense to correct any problems with the lines.

MR. JAMES M. BODDEN: With regard to the contract can the Honourable Member state whether there is any overage on any part of the contract at this time and who will pay if there is an overage?

HON. VASSEL G. JOHNSON: Mr. President, the contractors have made claim for overage in respect of the problem they faced in the early stages of the contract with a water problem on the Seven Mile Beach, but Government had not accepted those extra charges because it reserved its position in that the contractors should have been aware of such problems before accepting the contract. I will not say anymore about it now because it is likely to be heading for arbitration.

MR. JAMES M. BODDEN: Could the Honourable Member advise the House what is the amount of overage that has been requested at this point by the contractors?

MR. PRESIDENT: I think perhaps legal advice may be indicated. We must be very careful not to prejudice any thing which may come to court, that is my point.

HON. RICHARD W. GROUND: Mr. President, I think we might be straying outside supplementaries on this question. I would have thought it advisable for the Honourable Member to risk an answer to this sort of question without first taking legal advice and also making sure that it was absolutely right, and the Honourable Member coming to the House on this question may not be briefed on it.

The Honourable Member is right in saying that arbitration is anticipated in respect to this matter, and I would thought it would be very un-advisable from Government's point of view to go into it in any detail now.

MR. JAMES M. BODDEN: Well, Mr. President, I will have to accept that answer if that is the one given. There is no way to fight it, but I cannot understand why it should prejudice anything just to tell us what has been requested.

Could the Honourable Member advise us how the existing contract with the contractor treats the cost overruns that have occurred?

MR. PRESIDENT: I do think we are getting beyond the bounds of the question now. If you wish to reply that in writing that would be in order.

MR. G. HAIG BODDEN: Mr. President, I would like to ask the Honourable Member why there is only a six months' guarantee on these pipes since he mentioned that a similar clay pipe has been in use since the days of Roman antiquity?

HON. VASSEL G. JOHNSON: Well, Mr. President, the period of six months is the standard guarantee period that is given for contracts of this nature, I cannot expand beyond that. We accepted it in good faith that it was a reasonable period and if the pipes are going to show any defects they should do so before that time. That is the normal period of guarantee for contracts of this nature.

MR. PRESIDENT: I think we will make this the last supplementary, we have had a good run.

MR. JAMES M. BODDEN: Mr. President, I beg your indulgence but

MR. PRESIDENT: Well, go ahead with the question and then we will consider.

MR. JAMES M. BODDEN: No, I will leave it to you.

MR. PRESIDENT: No, I said that this would be the last. I did not say that it would be not this one. Please go ahead.

MR. JAMES M. BODDEN: Mr. President, my question now was leading into about four questions. If I am going to be stopped on this one I might as well not ask this one, so

MR. PRESIDENT: That is for you to decide. We have had a good run through this question, I was thinking we might come to the end of the supplementaries.

In that case we will go to Item 4 - Government Business, Bills, First Reading.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE CURRENCY (AMENDMENT) BILL, 1988

CLERK: The Currency (Amendment) Bill, 1988.

MR. PRESIDENT: A Bill entitled, The Currency (Amendment) Bill, 1988, is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

THE CURRENCY (AMENDMENT) BILL, 1988.

CLERK: The Currency (Amendment) Bill, 1988.

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 Currency Law Revised.

The Object of this Bill seeks to increase from \$100.00 to \$250.00 the maximum amount of coins that the Currency Board can issue.

Going to the Law, section 16(2) reads "Coins shall, if they have not been illegally dealt with, continue to be legal tender in the Islands to an amount not exceeding one hundred dollars in the case of coins" What the amendment is seeking to do is to increase this sum of \$100.00 to \$250.00, and it is basically to deal with numismatic issues which at present are beginning to be attractive to the numismatic world, and for the coin to be more than \$100.00.

I recommend the Bill to Honourable Members of this House.

MR. PRESIDENT: The question is that a Bill entitled, A Law to amend the Currency Law Revised, be given a Second Reading. The motion is opened for debate.

Does any Honourable Member wish to speak? It appears

not. In that case I shall put the question.

QUESTION PUT: AGREED. THE CURRENCY (AMENDMENT) BILL, 1988 GIVEN A SECOND READING.

MR. PRESIDENT: Bills, First Reading.

FIRST READING

THE BIRTHS AND DEATHS REGISTRATION (AMENDMENT) BILL, 1988

CLERK: The Births and Deaths Registration (Amendment) Bill, 1988.

MR. PRESIDENT: A Bill entitled, The Births and Deaths Registration (Amendment) Bill, 1988, is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

THE BIRTHS AND DEATHS REGISTRATION (AMENDMENT) BILL, 1988.

CLERK: The Births and Deaths Registration (Amendment) Bill, 1988.

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 Births and Deaths Registration Law, 1978.

The Object of this Bill is to amend the Births and Deaths Registration Law, 1978 (Law 14 of 1978) so as to prescribe and enable the Registrar General to issue a short-form birth certificate which would not contain particulars relating to parentage or adoption.

In the amending Bill the short-form issued by the Registrar would give the following information:-

BIRTH IN THE DISTRICT OF
(normally George Town)

Place of Birth

Date of Birth Sex

Name of Child

The number of the Certificate and also the certificate at the end which certifies that the particulars of the form are true.

I think this is something that is essential as many children are now being adopted in many places for example, the United Kingdom they have the flexibility of either requesting the form which is prescribed in section 55, which is the full form or the short-form which is what the Bill is requesting. I recommend this Bill to Honourable Members.

MR. PRESIDENT: The question is that a Bill entitled, The Births and Deaths Registration (Amendment) Bill, 1988, be given a Second Reading. The motion is open for debate. The Elected Member for North Side.

QUESTION PROPOSED:

SECOND READING DEBATE

THE BIRTHS AND DEATH REGISTRATION (AMENDMENT) BILL, 1988

MR. D. EZZARD MILLER: Mr. President, I am not going to speak long on this, but I have one minor concern. In the case of Caymanians adopting children can the Honourable Member give the assurance that both the long-form and the short-form will be maintained in the records because a child's parents will have to be recorded some place when it comes to determining whether a person is eligible for Caymanian status? If that assurance is given I support the Bill.

MR. PRESIDENT: Does any other Honourable Member wish to speak? The Honourable First Official Member.

HON. THOMAS C. JEFFERSON: Mr. President, I rise to thank Honourable Members who were silent, obviously supporting the Bill, and to answer the Honourable Member from North Side. His answer is yes, full details of the birth will be recorded with the Registrar. It is at the request of the individual as to whether he wants the long-form with the full details or the short-form.

MR. PRESIDENT: The motion is that a Bill entitled, The Births and Deaths Registration (Amendment) Bill, 1988, be given a Second Reading.

QUESTION PUT: AGREED. THE BIRTHS AND DEATHS REGISTRATION (AMENDMENT) BILL, 1988 GIVEN A SECOND READING.

MR. PRESIDENT: Bills, First Reading.

FIRST READING

THE TOURIST ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1988

CLERK: The Tourist Accommodation (Taxation) (Amendment) Bill, 1988.

MR. PRESIDENT: A Bill entitled, The Tourist Accommodation (Taxation) (Amendment) Bill, 1988, is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

THE TOURIST ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1988.

CLERK: The Tourist Accommodation (Taxation) (Amendment) Bill, 1988.

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 Tourist Accommodation (Taxation) Law Revised.

The Bill seeks in Clauses 2, 3 and 4 to transfer to the Director of Tourism all the powers of the Collector of Taxes under the Tourist Accommodation (Taxation) Law Revised, except the power of recovery conferred by section 9.

Up to the present day the Collector of Taxes have been responsible for collecting tourist accommodation tax from hotels, condominiums and other facilities that are used to provide accommodation to visitors to this Island. We believe it is in the best interest of this Government to place this authority with the Director of Tourism as he is dealing with this matter on a daily basis. The records of visitors to the Islands, the I.D cards and the rest of it, all of this information is available to him, and his department in my mind is the best one to deal with the collection on a day to day basis of tourist accommodation tax.

We will reserve the right and power under section 9 to go after any organization which we need to as a result of them being in arrears and not responding to the request of the Director of Tourism to pay the sum due to Government. It is a simple matter, Mr. President, and I recommend it to Honourable Members.

MR. PRESIDENT: The question is that a Bill entitled, The Tourist Accommodation (Taxation) (Amendment) Bill, 1988, be given its Second Reading. The motion is opened for debate.

QUESTION PROPOSED:

SECOND READING DEBATE ENSUED. THE TOURIST ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1988

MR. G. HAIG BODDEN: Mr. President, I cannot see the purpose for this Bill other than perhaps the present Government has increased taxes in so many areas so many times that the Collector of Taxes probably needs some help.

MR. PRESIDENT: It seems that no other Member wishes to speak, would the Honourable First Official Member wish to reply.

HON. THOMAS C. JEFFERSON: Briefly, Mr. President, to thank Honourable Members for their support, and to say that it is a stream lining that we are doing in Government as a result of the Finance and Public Accounts Law and the Financial and Stores Regulations putting the responsibility where it really lies.

MR. PRESIDENT: The motion is that a Bill entitled, The Tourist Accommodation (Taxation) (Amendment) Bill, 1988, be given its Second Reading.

QUESTION PUT: AGREED. THE TOURIST ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1988
GIVEN A SECOND READING.

MR. PRESIDENT: Bills, First Reading.

FIRST READING

THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1988

CLERK: The Caymanian Protection (Amendment) Bill, 1988.

MR. PRESIDENT: A Bill entitled, The Caymanian Protection (Amendment) Bill, 1988, is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1988.

CLERK: The Caymanian Protection (Amendment) Bill, 1988.

MR. PRESIDENT: The Honourable Third Official Member.

HON. J. LEMUEL HURLSTON: Mr. President, I beg to move the Second Reading of, A Bill for a Law to amend the Caymanian Protection Law 1984.

The Memorandum of Objects and Reasons explains that this amendment is aimed at insuring that crew members of vessels operating full-time in the Cayman Islands are not in future going to be exempted by the provisions of section 23 of the Caymanian Protection Law.

Section 23 of the Caymanian Protection Law says that this part shall have no application to a number of categories of individuals, and sub-section (c), says that this section shall have no application to members of the crew of any vessel engaged in their duties as such.

This amending Bill proposes to insert an appropriate form of words such that will exclude from this exemption members of the crew of vessels who operate full-time within the Islands. Therefore, only vessels operating internationally will be exempted from the need to have Gainful Occupation Licences.

Honourable Members may recall that this matter was the subject in part of a Private Member's Motion which the Government agreed to at an earlier Meeting. This amending Bill comes as a consequence of the Government having accepted that Private Member's Motion.

It will simply remove the exemption that may have been previously provided for crew members of vessels operating full-time in the Cayman Islands. If this Bill is passed, they will require the appropriate Gainful Occupation Licences.

I anticipate the support of Honourable Members on this amendment.

Thank you.

MR. PRESIDENT: The question is that a Bill entitled The Caymanian Protection (Amendment) Bill, 1988, be given a Second Reading. The motion is open for debate.
The First Elected Member for the Lesser Islands.

SECOND READING DEBATE

THE CAYMANIAN (PROTECTION) BILL, 1988

CAPT. MABRY S. KIRKCONNELL: Mr. President, I rise to support the Bill before this Honourable House, A Bill for a Law to amend the Caymanian Protection Law, 1984, but, I have one concern as to the exact definition of "full-time". Many of these vessels operating in Cayman territories could go over to Jamaica or Belize or Mexico just on a overnight run and that would exclude it from being full-time operated in the Cayman Islands.

I feel that in order to properly correct what we are trying to correct, it should be that those vessels have to regularly be employed in foreign trade, and not necessarily just say full-time. With those few words I support the Motion.

MR. PRESIDENT: Does any other Member wish to speak? The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I agree with what the First Elected Member for the Lesser Islands just said, but I wonder if it is possible for the Hon Second Official Member to give us a legal opinion as to whether it is necessary to change the wording to ensure that boats that go on overnight cruises do not do that to escape the provisions of the Law?

MR. PRESIDENT: The Honourable Second Official Member.

HON. RICHARD W. GROUND: Mr. President, I have been asked a question, so I will rise simply to address that.

My view is that a boat that, on a once-off-basis, went over to Kingston say once a year, that is not going to be a vessel that does not operate full-time in the Islands. In other words, an unusual and once-off event is not going to change the nature of the vessel's operation. The vessel which regularly trades between Kingston even if that regularity is once a month would fall outside of it.

MR. PRESIDENT: Perhaps, this could be explored more fully in Committee if you require.

Does any other Member wish to speak? Would the Honourable Third Official Member wish to reply or comment?

In that case the motion is that a Bill entitled, The Caymanian Protection (Amendment) Bill, 1988, be given a Second Reading.

QUESTION PUT: AGREED. THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1988 GIVEN A SECOND READING.

MR. PRESIDENT: Bills, First Reading.

FIRST READING

THE PENAL CODE (AMENDMENT) BILL, 1988

CLERK: The Penal Code (Amendment) Bill, 1988.

MR. PRESIDENT: A Bill entitled, The Penal Code (Amendment) Bill, 1988, is deemed to have been read a First Time and is set down for Second Reading.

SECOND READING

THE PENAL CODE (AMENDMENT) BILL, 1988

CLERK: The Penal Code (Amendment) Bill, 1988.

MR. PRESIDENT: The Honourable Second Official Member.

HON. RICHARD W. GROUND: Mr. President, I move the Second Reading of a Bill entitled, A Bill for a Law to Amend the Penal Code.

It is very shortly stated in the Memorandum of Objects and Reasons that this Bill seeks to prohibit street trading to the extent and in the circumstances mentioned therein. The Bill operates by adding a new section into the Penal Code, the section to be entitled "section 150A", and the side note will be "Street trading". The Bill makes it an offence for anybody in a street or on a public way or beach to offer or expose things for sale other than foodstuffs. In other words, the Bill, if enacted, will not apply to people who sell foodstuffs in a public way or in a street - foodstuffs includes everything edible ranging from vegetables through cooked meals and ending up with ice-cream.

The first subsection to the new section allows the Commissioner of Police to make exceptions to the blanket ban on street trading by granting licences valid for one day only and he may only grant them to churches, clubs, society, associations of a religious service or charitable nature. This is intended to allow a means for any of the churches or service clubs to hold sales for revenue-raising purposes, but the licence that could be granted to them is limited to one day only.

In subsection (2) a power is given to ban even the sale of foodstuffs in specified streets or in other specified public places and that provides a reserve power which could, if the sale of foodstuffs in any public place ever threaten to become a nuisance, be used to prohibit it. The penalties are set out in subsection (3) of the proposed new subsection. A first offence would lead to a fine not exceeding one thousand dollars, a second or subsequent offence to a fine not exceeding five thousand dollars

or to imprisonment for a term not exceeding six months. The Bill is specified not to apply to a roundsman. A roundsman is defined in the fourth subsection to the proposed new subsection as a person engaged in going the round of his customers for orders or for the delivery of things. The essence of that is to allow somebody who has pre-determined customers to make visits to them in his van or whatever, either to solicit orders or to deliver things that they have ordered and purchased from him.

This new subsection is brought forward at this stage to nip in the bud something which is perceived may become a threat to first of all the quality of life in Cayman generally, but in particular to the quality of life as it affects visitors and tourists to these islands. Many tourists coming here have been known and heard to comment upon the absence of interference in the streets - interference to them from people attempting to sell them things - and it is to preserve that particular characteristic of the Caymanian scene that this power is sought to be introduced into the legislation at this stage.

There is, and I just say this for completeness, already provision in the Towns and Communities Law which apply to street trading and make street trading an offence in certain circumstances, but they in practice, have been found to be so antiquated and so hedged around with qualifications as to be almost impracticable and inapplicable in reality. That Law made it an offence for any person in a highway to expose things for sale, but before it became an offence it had to be to the annoyance of inhabitants or passengers, and to prove annoyance is, I can assure you, Mr. President, a very difficult thing to do in court.

Secondly, before an offence could be prosecuted a complaint had to be made by an inhabitant residing near the place where the offence is committed. That requirement of an inhabitant residing makes it almost impossible to apply this law in the downtown commercial district of George Town and in the Port area, which is the area one is most looking at. If an inhabitant or resident had to come forward and make a complaint every time, then the sheer practical difficulties of taking effective action would become so great that I regret nothing would be done. So, it is to introduce a much more streamlined system that the new proposals have been put forward. If I may just recap that in putting them forward they have been carefully considered and exemptions have been put in to allow for the sale of foodstuffs which, I included ice cream earlier, allows all sorts of comfort items such as ice cream and drinks to be offered to the tourists whom I have said we are keen to protect, and also allows for the Commissioner to exempt worthy bodies for one day for sales for recognised charitable purposes.

Thank you, Mr. President.

MR. PRESIDENT:

The question is that a Bill entitled, The Penal Code (Amendment) Bill, 1988, be given a Second Reading. The motion is open for debate. The First Elected Member for Bodden Town.

SECOND READING DEBATE

THE PENAL CODE (AMENDMENT) BILL, 1988

MR. JAMES M. BODDEN:

Mr. President, I can understand some of the reasons that may have motivated this Bill being placed before the Legislature, but in my opinion at this point we are over-reacting to some of the occasions that may have happened. I agree that the quality of life maybe affected in many ways, but this is not the main thing that is affecting our way of life in the Cayman Islands. We have so many other things to worry about that affects our way of life that I do not think we should be afraid of this one I think we can live with this the way it is.

This Bill if enacted into law, will be too restrictive and in my opinion, too discriminatory. It is my opinion that Government, with its supporting Back-benchers at this point, will be using this Law to in many ways affect the Jamaican people who reside or who are temporarily in this territory. I think if we look at section 2(2) we will see where this can easily be done, because the Governor in Council may, by order, prohibit the sale or the offer or exposure for sale of foodstuffs in any street or in any public way or beach in the Islands except in a place or building so declared to be a market. Now we all know what this is aimed at, and what has happened in that case over the years has been accepted and it has played a part in the developing growth of this country. I do not think at this point it is getting out of place.

Another person that I could mention here is a young lady, I think her name is Mitzi Ebanks, a Caymanian, who is now a successful businesswoman in the community. I can remember eight or 10 years back when this young lady sat out here by the wharf with her box of trinkets and sold to the tourists or to the local people, I have never heard of any complaint registered against this young lady for doing so. If this law was in existence at the time that she was beginning her business, after she had toiled all night, maybe to make these pieces of jewellery, she would not be in business today she would probably be in jail. If that could happen to this young lady we must think of the young people in our community today, particularly in view of the reports we get in the papers on the manner in which the educational system is existing in this country today.

We have a lot of people coming out of the schools that may have to resort to this for a way of living, and therefore it is my contention that we should withdraw this Bill because it is too restrictive, too discriminatory and the fines are too excessive. We have too many other things today that is needed in this country. Democracy should be practised more than we are doing it, and I submit, that this Bill should be withdrawn. If we proceed with it, I will fight it as best I can.

Thank you.

MR. PRESIDENT:

I think we might take our morning break at this point. Proceedings are suspended for fifteen minutes.

HOUSE SUSPENDED AT 11:19 A.M.

HOUSE RESUMED AT 11:40 A.M.

MR. PRESIDENT:

Proceedings are resumed on the Second Reading debate on the Penal Code (Amendment) Bill, 1988. The Honourable Second Elected Member.

HON. W. NORMAN BODDEN:

Mr. President, I rise to support a Bill for a Law to amend the Penal Code, a Bill that seeks to prohibit street trading to the extent that it is mentioned in the Bill.

The high value and great importance of tourism to these islands can never be over-emphasized neither must our good fortune and success today ever be taken for granted. The success and enviable position of tourism in the Cayman Islands hinges very heavily on the good image and reputation our country enjoys in the market places, the United States of America, Canada, the United Kingdom and Europe, these are countries from where we draw our visitors.

There are various reasons why tourists choose the Cayman Islands for a vacation over other Caribbean countries which also offer fine beaches, friendly natives and climates similar to ours. Tourism Reports and Surveys conducted have revealed that one of our great assets is our

people. The friendliness, Caymanian hospitality and the quality of life, a quality which we must never lose if our tourism industry is to remain strong and healthy. One of the other many reasons given in surveys that sets us apart is that our country is free from street vendors, free from souvenirs hawkers flocking to our docks, beaches and other public places pestering tourists to buy their wares.

Provision is already made in our laws for persons who wish to deal with the sale of souvenirs and other merchandise, and that is for them to obtain a trade and business licence and set up a place of business, not for people who want to make a quick buck and high profit to take to our streets and compete with our other merchants and other law abiding citizens who have gone to great trouble and extent to set up a decent place of business from where they operate and serve their clients. Government has a responsibility in the interest of protecting tourism development in these Islands and accordingly I offer my strong support for this Bill that will prohibit street trading of certain types and under specific conditions before it bulks up, gets out of hand and becomes a serious problem as it is in other Caribbean Islands.

The new section proposed to the Penal Code prohibits the sale of items other than foodstuffs. However, the Commissioner of Police may grant exemption to churches or other organisations or associations who need to deal with the sale of other items on specific occasions or for specific purposes. This to my mind does not prevent the Jamaican higglers selling their fruits and vegetables which is normally items that they offer for sale. I do not see that this is discriminatory in any way nor should it create any hardships for local people - people who want to sell their items or other merchandise can do so from any place that has been declared as a market.

It is true that the Governor in Council will have the usual reserved power to prohibit the sale of foodstuffs or other items as it deems necessary. I do not see this as ever being abused. I believe that in the final analysis that we must be determined that street vending or the sale of items on our beaches and docks must not be allowed to become a nuisance to our residents or tourists. It is true that at this stage it is not the serious problem that it is in other countries, but the potential is there and I believe that this should be nipped in the bud. I think to attempt to prevent it at a later date would be more difficult and would be more unacceptable, and there is a good old Caymanian saying that goes like this, "there is no use closing the gate after the cow is out". I believe that this is a timely Bill, it has been put forward with the interest of our country at heart for maintaining the good image that we enjoy today, and to protecting the future development of tourism.

With those few words I support the Bill.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President.

I rise in support of a Bill for a Law to amend the Penal Code. As the Memorandum of Objects and Reasons state here, the Bill seeks to prohibit street trading to the extent and in the circumstances therein mentioned.

Not meaning to spend a lot of time on this particular subject, I think however that I might have a contribution to make which is worthwhile seeing that I have spent many years directly involved in the tourism industry in this country. In fact during that period of time it was my pleasure to become involved in many areas and of course to meet with and discuss a lot of things with visitors to this Island regarding the way of life in Cayman.

This Bill has not come to this House one bit too early. Let me say right off the top, that street vending, the harassment of visitors to this country has never in our history become a problem so I do not think we should allow it to happen now.

Mention was made earlier of a young woman who started her business on the corner in George Town, and I remember that. I commend her for her determination and effort which she made to get started, I am sure today she has not regretted it. However, had such a law as this one been in force at that time I have no doubt that this young woman would not have broken the law but would have found a suitable outlet to display her souvenirs and would have done equally as well in business as she is doing today. Nipping this problem in the bud is exactly what I see as this Bill's intention.

I have visited other countries, I have had the opportunity of visiting a few Islands in the West Indies and I must say that I get quite turned off when I am walking down the street and I have people pushing their wares on me. By the time you think of buying from one, you have not taken your money out of the wallet when someone else is pushing something in your face. To put it in a nutshell, I find it somewhat as a turn off to visiting those places and going downtown to shop for souvenirs. In fact, I got to the place where I became somewhat not too interested in even going to look for things, because you could not concentrate on shopping because so many others were trying to pull you into their little place. If that is the custom in other Islands and if this is what the Government of those countries decide is suitable, be that as it may, but may I re-emphasize, this is not the Caymanian way of life. In my many discussions with tourists, in fact, until last week, one of the main comments which one will hear is that of the absence of street vendors, the absence of people trying to force their wares on one while you are downtown is something which they appreciate.

We are a unique country, we have certain customs which are ours and ours alone. It does not matter what nationality chooses to come to live here, I consider that they should feel themselves fortunate in being able to live and work here, but to bring in any customs which Caymanians have not hitherto or been used to, I think we cannot afford to allow. We welcome anyone who wishes to come here to do business if we see fit to give them permission to do so I believe they should do this within the bounds of the laws of this country.

This Bill today seeks simply to put on the law books of this country something which Caymanians have always felt strongly about. As we notice, it does not prohibit service clubs, churches or any other society or association whether it is a religious, charitable or service organisation from getting a permit or a licence for a period of a day to do what has always been done here. The caution, I continue to say, "prevention is better than cure", so before we have a problem out there of trying to rectify a situation which has gotten out of hand I would like to support this Bill. As far as I am concerned it is only seeking to continue a custom in this country being done in the Caymanian way.

Mr. President, I support the Bill.

MR. PRESIDENT:

Honourable First Elected Member.

Does any other Member wish to speak on this Bill? The

HON. BENSON O. EBANKS:

Yes, Mr. President, I would like to support this Bill.

The First Elected Member from Bodden Town mentioned that he considered Government over-reacting to the situation. My view is that he could not be further from the truth and the fact. The duty of any responsible Government is to foresee problems and take action before they become a serious problem. It will be a simple matter to introduce this legislation today, because what we are trying to correct has in fact not become a serious problem at this time. If this corrective measure was left to be implemented two or three years down the road when there is a self-interest lobby to oppose it, then it would be more difficult to put the legislation into effect. I would go so far as to say that if we are getting the opposition which we are getting today to the measure when there is only the hope of a vote or two on the horizon then it

would be much more difficult to do so when there are really votes out there to be had by opposing such a method or such an action.

Other Members have quite rightly pointed out that one of the bouquets which are constantly thrown at the Cayman Islands as a tourist destination is the freedom from street vending and solicitation from persons on the street.

An example was given of a young lady who started selling souvenirs on the sidewalk, I remember that too but it was done with such decorum that that in itself would have had no ill-effect on our tourists. I would also like to point out that in the days when that young lady had to resort to sitting on the sidewalk to sell her wares the craft markets which this Government has provided for the small vendor of handcrafted goods did not exist, so any young person today could possibly find an outlet for their wares in the crafts market which this Government saw fit to establish.

Mention was also made too about the quality of education or what is read in the paper about the quality of education that is coming out. Let me assure this House that education continues to make strides at the High School and else where, but I also wish, and I believe that the statement was made that if the quality of education continues some students would have to resort to selling souvenirs.

When the comprehensive system of education was introduced and emphasis put on arts and crafts, this was in fact what was at the back of the planners minds at the time. It is true that between 1976 and 1984 emphasis on arts and crafts diminished and as a result, we only have a handful where we should have had a couple of dozens involved in the manufacture of souvenirs today. It is my hope that with the help and encouragement of Government we will have many young people who find it possible to join the few that are now making souvenirs that we as a country can be proud of. I wish that we had more Caymanians involved in these big bucks that are being made by using native materials. I hope that those people from overseas who are now making big bucks in this business will eventually be replaced by Caymanians who will be trained in our system, and hopefully trained, and can pick up the talents which those from abroad are now using. That is the name of the game, Mr. President.

The point is, if we do not preserve our tourism by preserving the quality of tourism products the local people will not be able to sell in the shops much less on the streets, because there will be no tourist to buy. What this exercise is all about, is keeping our product in a first rate situation so that we will continue to attract increasing numbers of tourists to buy, not only locally made souvenirs, but from all the others that are involved in selling to the tourists or in the tourism industry generally.

I believe that reference was made to a special ethnic group of people, and it was suggested that this Bill was aimed at those people. Let me assure Honourable Members, nothing could be further from the truth. I believe that it was another administration who put pressure on that ethnic group. No one who comes to the Cayman Islands, behaves themselves, live according to the laws of the country, and that includes any new law such as this one which we may care to implement, has anything to fear from this Government. What is more, I am sure that the people that were attempted to be quoted by the opposition to this small amending bill know only too well on which side their bread is buttered.

I too, would like to re-emphasize that the Bill will not effect charitable, religious and service organisations, they will get their licences. We have to put the machinery in place not while it is possible to do it without too much hubbub. To wait until there is a self-interest, I call it, lobby to oppose such a measure would be detrimental. The time to do it is now. We have looked at the problem and we consider that we should take this action. I ask Honourable Members to support it.

Thank you.

MR. PRESIDENT:

If no other Member wishes to speak would the Mover wish to reply? I am Sorry, I think that was a dead heat and we give the advantage to the Second Elected Member for West Bay.

MR. W. MCKEEVA BUSH:

Mr. President, I certainly can throw my support behind this amending Bill. Nobody needs to question the importance of tourism to this country. It is our main breadwinner. The day that any Member in this House or any member of the general public take the irresponsible attitude that we have to protect any given nationality over the value of tourism to this country then it is a day that we can say Cayman is on the verge of a dying economy.

Tourism has grown by leaps and bounds and we have to say that we are doing something good in this country why people continue to come here. The cost of getting here and when they come here is high, so it must be some other attraction why people continue to flood our shores.

This Bill is coming just in time because there are certain attitudes on the street that people are free to do as they please. It is not the Mitzi Ebanks of the world that we have to worry about because she is of Impeccable character, but it is those that will abuse tourists that we have to worry about. That is why there is another piece of legislation set down on the Order Paper to be debated and passed into law. Anything can be said in an election year.

The question of fines perhaps is not sufficient. On the question of over-acting, when it comes to tourism does any Member call running up to a tourist and showing up a set of beads in his face, pulling him by his arm, another one grabbing him trying to throw him in a taxi - is this what we call over reacting? - the Bill is in the nick of time. I cannot see as was raised, how it can be restrictive to young people.

There is more work than enough in this booming economy of our; How can people try to say or to interject otherwise? On the one hand they say we have to stop development, and on the other hand we are not going to get work for our young people.

Mention was made to the problems in education. I think it was time that it be said that problems exposed today are the same problems that always existed in the school or in the education system, they are not problems that came about since 1984. What about the problems that existed in 1980 and 1982? I will not air them in this House but some people's memory at least is long and quite clear as to what took place in this country in education and in those years. I had several cases that I dealt with personally I am not going to air them today but I am prepared to back them up.

The difference between now and then is that people are free to speak their mind without having the fear of losing their jobs. Under the previous administration no one could have dared to open their mouth and we had prime examples...

MR. JAMES M. BODDEN:

Mr. President on a Point of Order, that statement is entirely misleading and incorrect.

MR. PRESIDENT:

I think on a Point of Order its wandering beyond the confines of the immediate Bill. Please proceed.

MR. W. MCKEEVA BUSH:

I agree with you Mr. President, I might be drifting but I was referring to a point that was raised by the Member who called the point of order, and it is not misleading it is the truth.

The Elected Member for North Side is a good example. This sort of legislation is needed in this country today therefore I am prepared to back it 100 per cent. When I have

the chance or the need to slap the Government I have done it, I did not wait until 1988.

MR. PRESIDENT: Would the Mover wish to reply?

HON. RICHARD W. GROUND: Mr. President this short Bill has been very fully debated in this House and I have nothing that I can add to the contributions from all sides.

QUESTION PUT: AYES & NOES

MR. PRESIDENT: Is there a problem?

MR. G. HAIG BODDEN: Mr. President, are we closing the debate?

MR. PRESIDENT: Yes, I called for the Mover to reply once and he has given way and then I called the second time. Did I fail to catch your eye? Is that the point you making?

MR. G. HAIG BODDEN: No Sir, I did not want to speak we have put forward our case.

MR. PRESIDENT: Thank you.
Right...

HON. BENSON O. EBANKS: Could we have a Division on the vote Sir?

MR. PRESIDENT: We have called the voices. Clerk would you take a Division.

DIVISION

NO. 2/88

- | | |
|-----------------------------------|----------------|
| AYES: 13 | NOES: 2 |
| Hon. Thomas Jefferson | |
| Hon. Richard 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. Plerson | |
| Capt. Mabry S. Kirkconnell | |
| Mr. D Ezzard Miller | |
| Mr. John B. McLean | |

- | |
|---------------------|
| Mr. James M. Bodden |
| Mr. G. Haig Bodden |

MR. PRESIDENT: The Bill has passed It Second Reading. Bills, First Reading.

FIRST READING

THE ROADS (AMENDMENT) BILL, 1988

CLERK: The Roads (Amendment) Bill 1988.

MR. PRESIDENT: A Bill entitled the Roads (Amendment) Bill, 1988, is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

THE ROADS (AMENDMENT) BILL, 1988

CLERK: The Roads (Amendment) Bill 1988.

MR. PRESIDENT: The Honourable the Third Elected Member.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President I move the Second Reading of a Bill entitled a Bill for Law to amend the Roads Law, 1974. The Bill to amend the Roads Law, 1974, seeks to make necessary amendments that will ensure that the development and maintenance of the road system matches the vibrant movement of the Cayman economy.

The consultants Messrs. Wilbur Smith Associates were commissioned by Government to undertake a Master Ground Transportation Plan for Grand Cayman. They reviewed the Roads Law, 1974 and identified a considerable number of legislative amendments which are necessary to enable Government to adequately implement the recommendations of the Report.

The Bills seeks to establish three main purposes. First of all, new categories of roads are required to ensure the efficient cost effective movement of traffic, it provides for the creation of an arterial system of roads for communication between major populated centres, and for a supplementary system of collector and access roads.

Secondly, it has been recognized that the entire community will benefit from clear indications of the long term corridors for new roads. The Bill accordingly provides for the Highway Authority to approve plans effective under the Development and Planning Law, setting out corridors identified as likely to be required for the laying out of the roads.

Thirdly, there is acceptance that, having regard to the ever increasing value of land, a more sophisticated system of compensation to land owners should be implemented when possession is taken of a portion of land for road purposes. The Bill in consequence, abolishes the concept of any due damage or serious hardships under the existing Law and introduces an assessment of the net effect of both depreciation and appreciation on the value of land resulting from the laying down of the road. The Bill also addresses ancillary matters which have significance in the road system. These include ;

- (a) the creation of a composite map comprising both the topographical map and the registry map to resolve any detailed discrepancies in road boundaries;

- (b) reconstitution of the composition of the Assessment Committee to include a Magistrate as Chairman, a Justice of the Peace, and a person chosen from a panel of six persons selected by the Governor in Council as having experience of land values or highway matters; and
- (c) the introduction of a requirement that statutory authority for water, electricity etc., should only exercise their powers along or across public roads in accordance with permission granted by the Highway Authority.

Clause 2 of the Bill deals with definitions. There have been seven deletions from this section, and the Bill is seeking to add 18 new definitions which are all important in order to improve and make them sufficiently precise, for example, the definition of composite map. A composite map is a combination of two maps, the Registry Index Map and a Topographical Map. It will be used to identify and describe road locations and boundaries. It is required because of the inaccuracies that presently exist on the Registry Index Maps.

By using a composite map, the Highway Authority will be able to more precisely identify actual property boundaries as they exist on the ground because the topographical maps will show the actual location of fences, walls etc., that may be taken as a boundary line. For example, the Public Work Department has found that property boundaries as shown on Registry Index Map may differ from what is actually found to exist on the ground by several feet. In some cases this may be as much as 20 feet or more.

By Clause 3 of the Bill section 3 of the principal Law is repealed and a new section 3 substituted which is based upon the former section 5 but contains new provisions for the notification of the proposals to take land when land is needed for a public road by publishing notices in a daily newspaper, and sending them by registered post to the proprietors; thus implementing the wish of this Honourable House as expressed in respect of Private Members Motion No. 18/86 which was moved by the Second Elected Member of West Bay, and passed by this Honourable House on November 20th 1986. It also requires the notice to use any colloquial name or description for the location of the road in addition to the block and parcel numbers.

Section 3 also states that whenever a new public road or a road widening is being proposed, a plan showing the location of such a road or widening will be available to be inspected by the public at the Lands and Survey Department. This is in keeping with the current Law and continues to ensure that the public is aware of Government's road proposals.

By Clause 4 of the Bill section 5 of the Roads Law will be repealed and replaced by a new section based upon the former section 3 but containing a number of new provisions. For instance, this section states that the Governor in Council should be the Highway Authority and describes his powers to classify and schedule roads and to delegate some of his functions.

The concept of a centralized Highway Authority is new and is an important part of the new proposals. The Highway Authority is charged with the implementation of the Law. Subsection 3 allows the Highway Authority, that is, the Governor in Council, to delegate any of his powers, except as described in section 17(3) which is the power to order the removal of any building that constitutes an encroachment on a public road. It also states that the Governor in Council cannot delegate the power to make Regulations. The power to delegate will enable the Governor in Council to delegate many of the day-to-day functions of the Highway Authority to the Government Departments concerned.

It is important to understand that the scheduling of a road in respect of the powers to classify and schedule roads, whether it is presently private or used by the public, will make the road a public road. Currently under the existing Law we have had problems with adopting private roads as public roads because the language of that Law refers to new roads only. This amendment will rectify this problem.

Subsection 4 provides that the Governor in Council retains his power to act even though he may have delegated such powers.

Subsection 5 introduces the concept of a functional classification system for roads. Such a system will provide a clear indication of the service characteristics of all roads and will give rise to standard types of construction. By standardizing the characteristic of the road the motoring public will enjoy a much safer road system.

Subsection 6 states that the Governor may make Regulations to prescribe the attributes of each category of road and control the types of vehicles that may be used on any category of road.

Subsection 7 refers to the First Schedule of this Bill which provides interim attributes for each category of road. These attributes will be used by the Highway Authority until the above matters are dealt with by regulations. This Schedule may be amended as the need arises by regulations.

By Clause 5 of the Bill, section 6 of the principal Law is amended by deleting section 5 and substituting the words "section 3". This amendment is the result of changing the current position of sections 3 and 5 of the Law.

Section 6 of the principal Law is amended to allow for fair and equitable compensation to be awarded to land owners when their land is needed for a public road. Again, this implements the wish of this Honourable House as declared in respect of Private Member's Motion No. 18/86. The amendment in paragraph (d) of Clause 5 removes the current limitation of 50 feet as the width of the new roads.

By Clause 6 of the Bill, section 7 is amended. Section 7 specifies the make-up of the Assessment Committee. The composition of the Committee will be amended so that it will consist of a Magistrate who shall preside as Chairman, a Justice of the Peace and one other member drawn from a panel of individuals to be appointed by the Governor. This panel will comprise of members of professions having knowledge of land values and/or highway matters and in particular, Land Surveyors, Quantity Surveyors, Realtors, Architects, and Civil Engineers. The Magistrate will be responsible for selecting an individual from the panel to serve upon a particular hearing. Provision is made for more than one Assessment Committee to sit at any one time. The powers and duties of the Committee will be set out in a new Second Schedule to the Law which is shortly to be added to this Bill.

Clause 7 of the Bill repeals section 8, 9, 10, 11 and 12 of the Law and substitutes five new sections. The question of compensation is fundamental to the proposal contained in the Bill. The five new sections govern the right to compensation, the method of claiming it and the method of accessing it. Further detailed provisions relating to the assessment and the payment of compensation are contained in the proposed new Second Schedule.

Section 8 - Turning to each of these sections the first is the right to compensation. The proposed new section 8 deals with the right to claim compensation for land which is taken or declared as needed for road purposes. Any person who has an interest in any such land may make a claim if he had suffered a net loss.

A net loss is defined in the Law. Such a loss arises where the damage attributable to the loss of land assessed at market value together with other ancillary losses, exceeds the value of advantage to the claimant gained by the opening of the new or improved road.

The ancillary losses are (a) loss of standing crops and trees;

(b) the severance of the land taken from the claimant's other land; and (c) the injurious effects on the claimant's other land or his dispossession of the part taken.

These heads of loss were included in the existing section 10 of the law which this Bill seeks to repeal. The difference in the new provision is that they take into account the market value of the land taken and leave out the former requirement that the claimant has to show undue damages or serious hardships. Again, this is in response to Private Member's Motion No. 18/86. The effect of the amendment is therefore, that if in balancing the loss due to the taking of the land against the benefits conferred by the new or improved road and the claimant can show that he has suffered an overall loss he can claim compensation.

In Section 9 the formalities for a claim are set out in the proposed new section 9. The provisions of that section require that when notice is given that land is to be taken for road purposes the claimant must give notice of his intention to make a claim within 90 days. The actual claim may be made at any time after giving notice and up to one year after the road is built and scheduled as a public road.

When the actual claim is made it must contain the details set out in the proposed new section 9(2) of the Law. To comply with these requirements the Law must:

- (a) identify the land in respect of which it is made;
- (b) state the claimant's interest in the land and when and how he required it;
- (c) state the nature of the claimant's occupation of the land;
- (d) state details of the declaration made under the Roads Law in respect of the taking of the land;
- (e) state the amount of compensation which a claimant wishes to claim in respect of the taking of the land; and
- (f) identify any neighbouring land that the claimant may own.

Further details may be required by regulations.

Section 10 - the Highway Authority may negotiate a settlement with a person making a claim. If a satisfactory settlement is reached, the person may be compensated wholly in kind or partly in money and partly in kind. In other words, if a person is displaced from his home due to the construction of a road, the Government may provide him with a suitable home of equal value, or a suitable home of lesser value and make up the difference in cash.

This might be appropriate in the case of an older couple that presently live in a large house and may wish a smaller house and the extra money to use for other purposes. If they cannot reach a satisfactory conclusion, the claim will be referred to the Assessment Committee who will determine the amount of fair equitable compensation due to the land owner. Of course, the land owner has the right to appeal any decision of the Assessment Committee to the Grand Court on one of two grounds set out in paragraph 8 of the Second Schedule; namely either (a) that the extent of the interest in the land taken has been wrongly determined or (b) that the Committee has erred in Law.

Section 11 - a land owner who successfully establishes a claim may choose from two different methods of assessment in compensation. These two methods are referred to as:

- (a) a one stage assessment; and
- (b) a two stage assessment.

If a land owner does not choose a method the two stage assessment will be used by the Assessment Committee. The one stage assessment shall have the following features:

- (a) the assessment shall be made on the assumption that any proposed road development on the land will be built as proposed; and
- (b) payment of any compensation awarded will be in full and final settlement of the claim.

The two stage assessment shall have the following features:-

- (a) on a preliminary basis the assessment shall be based on the assumption that any proposed road development on the land will be built as proposed;
- (b) thereupon payment on such portion of the award as may be approved by the Assessment Committee, not exceeding 75 per cent of the amount assessed, shall be paid as an interim award;
- (c) when the proposed road development is implemented the Assessment Committee whether or not constituted in the same manner as the previous committee shall, within the prescribed time not being later than one year after the scheduling of the road pursuant to section 5, review the interim award conducting, if the Assessment Committee thinks necessary, a further hearing and take into account the actual location and other aspects of the road development and make a final award; and
- (d) the Governor shall implement the final award as necessary and accordingly either (1) supplement the amount paid to the claimant pursuant to the interim award or (2) recover from the claimant any excess amount so paid.

The two methods of assessment of compensation are being introduced because of the fundamental problems associated with the accurate determination of property boundaries from the Registry Index Maps and Topographical Maps that were described earlier. Because of the problems of map accuracy, we cannot guarantee that the final position of a new road with relation to property boundaries will be as described on the composite map that shows the proposed location of the road. It may therefore be in the best interest of a land owner to allow the assessment of compensation to be based on the measured final location of a new road.

Section 12 - the Second Schedule to this Bill is introduced in this section. This Schedule describes the duties and powers of the Assessment Committee. Second Schedule - important provisions are contained in the Second Schedule. I have already dealt with some of these when dealing with the amendments to section 7. The Schedule is divided in two parts. The first deals with the rules that apply to the procedure of the Assessment Committee and to the assessment of compensation. The second part deals with rules governing the actual payment of compensation once the amount has been established by the Committee.

In the first part paragraph 2 deals with the proceedings of the Committee. It provides that they should be held in public but that the award should only be communicated to the Governor and the claimant.

Paragraph 3 deals with the power to summons witnesses and paragraph 4 gives the right of the Committee to inspect the land described. Paragraph 5 provides that before proceeding with any claim for compensation, the Committee shall first decide whether the claimant qualifies to make a claim. I have already dealt with this in respect of the proposed new section 8. If the Committee determines that a claimant does in fact qualify, it then proceeds to determine the amount of compensation. The

rules for this are set out in paragraph 6.

Paragraph 6 provides that the Committee must take into account certain specified matters. These include:

- (a) the market value of the land; this is defined as being the amount which the land, if sold on the open market by a willing seller, might be expected to realize;
- (b) any damage caused by loss of standing crops or trees;
- (c) any damage due to the severing of land taken from other land belonging to the claimant;
- (d) any damage caused by the dispossession injuriously effecting the claimant's other property or his earning;
- (e) any relocation cost, reasonably incidental to a move of home or place of business;
- (f) loss of profits which is narrowly defined to include rent but not to include profits from carrying on a business on the land during the period between the declaration that the land would be taken and the actual taking.

The Committee is also obliged to take into consideration any increase in the value of the claimant's interest in any remaining land or in other nearby land which is likely to arise from the new or improve road. In practice, this will involve assessing the claimant's loss due to the taking of land on the one hand against any benefits he may have gained on the other. If his loss exceeds the benefit, then he will be compensated.

Paragraph 6 also sets out various matters which should not be taken into account when assessing compensation, and to specify certain assumptions that have to be made when assessing the value of any interest. Finally, the paragraph provides that where the land left to the claimant is less than half an acre and where the claim for compensation is likely to exceed the value of the whole portion of land, the Governor in Council may proceed to acquire the whole portion and pay compensation for all of it.

Paragraph 7 sets out how the Committee shall arrive at a decision and the form of the award.

Paragraph 8 provides for appeals to the Grand Court against the decision of the Committee on the two grounds mentioned before that (a) the Committee has got the extent of the claimant's interest in the land wrong; or (b) they are wrong in Law.

Part 2 of the Second Schedule deals with various administrative matters relating to the actual payment of compensation money once it has been assessed. In particular it allows for money to be paid into the Courts in a variety of cases where there may be difficulty in ascertaining how or to whom the money should be paid, or, where the person entitled is a minor or under some other legal disability, the Grand Court may then determine how the money should be disposed of. By clause 8 of the Bill, section 14 is amended to deal with what happens to land over which a public road passes if it ceases to be road.

Public roads are closed by declaration published in the Gazette. From the date specified in the declaration such road or portion of road ceases to be a road and all public rights-of-way over it shall ceased. The new amendment provides that the land over which the road or portion of road passes shall vest in the Crown or be added to such land parcels as the Governor may by notice in the Gazette decree. However, the Governor in exercising this power shall have regard to the interest of adjoining land owners, and so far as he thinks fair and just, order that the land over which the road or portion of road passes be added to the adjacent lands on such terms and to such a degree as he thinks appropriate, having regard to any price or compensation paid on acquiring any portion of that land for road purposes.

This procedure will reduce the process from two administrative steps to one and allow Government to sell such land if compensation has been paid for it when the road was originally constructed.

By clause 9 of the Bill, section 15 is amended. This section of the existing Law grants authority to the Governor or any person authorized by him to enter upon land that does not consist of a house, yard, garden, provision ground attached to a house, a park, avenue or ornamentally planted ground and use the land for purposes connected with road construction or maintenance. For instance, the Governor may authorize the Public Work Department to stock pile gravel, marl, etc. on unused property. This section is being modified to refer it to the Highway Authority instead of the Governor and to allow compensation for any damage caused by entry or occupation of that land to be assessed with the provisions of this law.

By clause 10 of the Bill..

MR. PRESIDENT: I wonder if I may interrupt you briefly, I think you have quite some way to go; perhaps we....unless you feel you could finish in five or six minutes.

HON. CAPT. CHARLES L. KIRKCONNELL: No Sir, I think it would take longer that.

MR. PRESIDENT: Right. In that case we will adjourned for lunch. Proceeding suspended until 2:25 P.M.

AT 12:53 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Proceedings of the House are resumed.
The Honourable Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, when we took the luncheon break I had finished with clause 9 of the Bill, I will now turn to clause 10.

By clause 10 of the Bill, section 16 is amended. In essence, anything in or near a road that constitutes a hazard to the motoring public may be considered an encroachment on a road. This section is being modified to distinguish what constitutes an encroachment of a public road and what constitutes an encroachment on a private road. For instance, a fence erected upon a private road does not constitute an encroachment because the owner of the road may wish to keep the general public off his land. However, falling trees, large objects dropped on the road or abandoned vehicles will constitute encroachments on any road.

In addition to the items listed as encroachment on a road under the present Law, the following has been added; any pit cutting or excavation in a pond or on any public road otherwise than pursuant to approval given, and in accordance with conditions stipulated by the Highway Authority. The purpose of this addition is to aid the Highway Authority in regulating the digging up of public roads by person or a body that has not been given explicit permission to do so.

By clause 11 section 17 is amended. This section deals with the removal of anything that constitutes an encroachment on a public road. In order that encroachments on a

public road may be removed in an efficient manner, this section has been amended to allow the Highway Authority instead of the Governor, to remove or order the removal of an encroachment. This is one of the powers that could then be delegated to a Government Department. However, if an encroachment consists of a building only the Governor in Council may have it removed, therefore, this is a power that the Governor cannot delegate.

By clause 12 of the Bill section 18 is amended. The amendment to this section which deal with obstruction of view along a public road, deals with the technicality of how the height of an object is measured. The current Law states that anything higher than two feet above the level of the verge of a road located within 30 feet of a junction or the inside of any bend in the road or anything else such as a hedge, fence or bank that obstructs the view of the motorist, is considered an encroachment. This does not apply to buildings lawfully erected at the time of coming into effect of the Law.

The amendment is to change the word "verge" to "carriage way". This is necessary because the verge of the road is never defined in the Law because it is standard engineering procedure to measure site distances along a road based on the height of the centre line of the road.

By clause 13 of the Bill section 21 is amended. This section is amended to give the Registrar the authority where necessary, to amend the Registry Map and the Register.

By clause 14 of the Bill the Law is amended by repealing section 22 and adding new sections 22, 23, 24, and 25 and the First and Second Schedules.

Section 22 - the intent of this section is to give the Highway Authority the power to describe road boundaries; this needs to be done for every existing major road now on the island.

The composite map setting out roads as actually built shall be regarded as definitive for all road boundaries and the boundaries of lands abutting them. When the boundaries of an existing road and the boundaries, any land abutting the road do not correspond with the boundaries on the composite map, the highway authority may define the line on the road as it thinks fair and equitable, and request the Registrar to make the adjustment in the existing land boundaries as he thinks necessary to ensure that the new boundaries of the road and land correspond with the boundaries as defined as the Highway Authority.

The adjustment to the boundaries as made by the Registrar to the Registry Index Map shall be gazetted and notice put in a daily newspaper, which is published and circulated in the islands.

The Registrar shall also notify the proprietors of land by registered letter of the changes made to the boundaries. The highway authority may authorize the removal and relocation of any boundary marks to conform with the adjustments in accordance with the Land Surveyors Law (Revised).

Subsection 5 goes on to establish a means by which any land owner who feels that he has been injuriously affected by such an adjustment to the Registry Index Map boundaries lines may object to the adjustment. The land owner must first object to the Registrar of Lands who will consider the objection and make a ruling. If the land owner still feels that he has not been fairly treated he may make a claim for compensation in accordance with the provisions of this Law.

Section 23 - This section allows the Highway Authority to negotiate with the land owner when it appears that a land owner's boundaries must be adjusted when a road is being defined. If an agreement is reached, the Highway Authority may enter into an agreement with the land owner after publishing a notice in the newspaper that describes the particulars of the agreement.

Section 24 - This section gives the Highway Authority the power to regulate any statutory undertakings when they are constructing any apparatus within the boundaries of a public road. In other words, any construction by Caribbean Utilities Company, Cable and Wireless, Cayman Water Company, the Water Authority etc. that is done within a public road, shall be done with the consent and in accordance with the requirements of the Highway Authority.

Section 25 - In order for Government to protect the corridors of roads that are foreseen as being needed in the future, this section has been added to allow those roads to be included in a Development Plan. This is the power of the Governor in Council not the Highway Authority. The designation of road corridors will give the Central Planning Authority the ability to restrict any development within a proposed road corridor.

The mechanics of the procedure have been set up to ensure that land use planning by the Planning Department and transportation planning by the Public Work Department will not become disassociated.

Under subsection 2, the Governor may only exercise this power upon recommendation by the Central Planning Authority. Therefore, communication between the land use planners and the transportation planners is mandatory.

Any land that is identified as being required for future use under this section may be reserved indefinitely. However, if any land owner is refused permission to develop his land because of any such road corridor he may claim compensation under PART 4 of the Development and Planning Law, or in the case of undue hardship due to the small size or other physical features of the land, may be given permission by the Governor in Council to make a claim for compensation to the Assessment Committee as if the land had already been taken. In other words, in such cases his claim can be brought forward although there are provisions to prevent such a person claiming twice.

Much time and thought has been put into the Bill. First the Consultants reviewed the existing Roads Law and made recommendations which they considered necessary. Secondly, Legislators' input is also reflected in this Bill as well as input from the private sector and other Government Departments.

A special draftsman, Mr. Justice Marsh from Jamaica was brought in to deal specifically with the drafting of this Bill. Our Legal Department worked diligently with him to ensure that the Bill would embody all of the drafting instructions.

No Bill is perfect but I believe we have made a step in the right direction so that a start can be made to alleviate our growing traffic problem.

I thank you.

MR. PRESIDENT:

The question is that a Bill entitled the Roads (Amendment) Bill, 1988, be given a Second Reading. The motion is now open for debate.

Does any Member wish to speak? The Second Elected

Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, it appears to me that if this Law goes into effect as I know it will, the present Government will not be able to build the much talked about West Bay Road, that is, a parallel road leading from George Town to West Bay, because they do not have the money which is a well known fact. They will not be able to borrow it since they have brought the public debt up to over \$30 million in the last three years from the \$11 million which was owed in 1984. And furthermore, when this Law goes into effect, they will have saddled the next Government with a debt which they will never be able to cope with because the country will have been left riddled with debts and there would not be capacity to borrow in the future.

It is alarming to see that this Bill gives the Governor, that is the Executive Council, under section 25 the right to exercise the powers of the Central Planning Authority in relation to certain matters. As two of the principal members of the Government were also the architects of the 1975 Development Plan, this is indeed alarming, although I must admit that the Law here does contain one provision which is better than the 1975 Development Plan. The provision to which I refer is that whereby when they earmark certain lands for roads that the person can claim limited compensation under section 25.

This Bill is a surprising piece of legislation coming to us appearing to make provision for compensation when the present Government has spent three full years in the exercise of taking very expensive land in Central George Town without paying any compensation. I refer to the land which they took at the intersection of Elgin Avenue and Shedden Road, in the heart of George Town. I think there is a process underway to take certain lands from Capt. Theo Bodden in Cayman Brac for the dock. I do not know how far advance that is but there is also some move afoot to acquire certain valuable lands close to the road by the little dock in George Town.

This is a surprising bit of legislation which has come almost at the end of their term when they are making all of these generous provisions knowing full well that there is no money in the Treasury to pay for these things.

It appears to me that a person aggrieved by any actions with regards to the construction of roads will be better off under the amended Law than the person had been under the old Roads Law as far as compensation is concerned, but we will definitely be worst off because of certain restraints that the person would have been, under the Land Acquisition Law.

I must admit that I agree with the change in the Assessment Committee, whereby the Committee appears to have been taken out of politics, and the Committee will now consist of a Magistrate, a Justice of the Peace and the person selected by the Magistrate out of six people that have been pre-qualified by Executive Council. This certainly has to be better than the existing Assessment Committee where the Government appointed two of their backbenchers on the existing Committee, and it is apparent that there could not be a fair balance on that Committee. Of course, this in itself is not as bad as the nepotism that has been so common in the selection of other Committees.

The Member who presented the Bill went to great lengths in explaining the provisions and giving the history of the Bill, and I would like to offer my congratulations because he appears to have knowledge of the Bill which is being very different from other Bill presented in this House over the last three years where the movers of the Bill said as little as possible in the hope that there would be no debate, or perhaps because their knowledge of the Bills was so limited or even worst, that they themselves did not believe in the contents and purpose of the Bill.

It is time, in my opinion, that the Roads Law be amended. The existing Law is very old and it is also absolutely necessary with the acceptance of the Master Ground Transportation Study.

The Bill in itself follows very closely the compensation and certain other procedures set out not only in the Roads Law but in the very ancient Land Acquisition Law. Except for a few moderations and a bit of liberalization in some areas, the Bill itself seems to be not really one of the worst ones that we have had to cope with over the past three years.

MR. PRESIDENT:
Reading of this Bill?

Does any other Member wish to speak on the Second
The Elected Member for North Side.

SECOND READING DEBATE

THE ROADS (AMENDMENT) BILL, 1988

MR. D. EZZARD MILLER:
Roads Law.

Mr. President, I wish to support a Bill for a Law to amend the

he did a very commendable job in explaining all of the details and the importance of the Law.

I would like also to congratulate the Mover of this Bill, I think Government has spent a considerable amount of money and certain of us, unlike the last speaker, the Second Elected Member for Bodden Town, has spent quite a bit of time with the consultants listening to their findings and reports, discussing recommendations to be incorporated into the Bill and therefore we fully understand the need, the necessity, and the importance in the piece of legislation which is before us. Maybe if he had attended some of the presentations he too would see that this Bill is not reeked with nepotism nor is it political.

I believe that he is disappointed and I believe he has reasons to be disappointed. Because you see you would not know the history of the 1975 Development Plan, but that was used, at least partly, to defeat the Government of 1976 and a lot of the charges, implications and deductions that were put forth in that election campaign were not always and necessarily true.

By the Government bringing this Bill at this time, it prevents the very same scenario from taking place on a report that I regard to be just as important and necessary as the 1975 Development Plan was at that time.

I too, as the Mover has said, would not purport that it is a perfect piece of legislation but like I said about the Labour Legislation, if consultation with special interest groups in the private sector, amongst the various Government Departments, if the judicious use of consultation in the right places with the involvement of the community and those that are going to be affected by such a piece of Legislation does assist in making a piece of legislation as near to perfect as possible, then, it is my submission that this is such a Bill.

For many year now, and in particular since being a Member of this House, I have had many request for roads, But now Mr. Miller, they would say, we need a road here but do not put it on my land, put it on Mr. Coolidge's land because he has more land than I have.

I seconded the motion which was brought to this Assembly to deal with compensation, because one of the things we found in the old method of compensation was, in many cases, people were not informed, because they did not get a copy of the Gazette saying that their land was going to be used or at least a portion thereof, for road. The process of compensation under the old Law was only for damage to crops etc. or unless the land was made completely useless.

The Bill, as I will come to, does I believe, regularize and establish once and for all, a firm footing and a clear system by which compensation will be awarded.

Section 3 - Notification of proposal to take land - it will no longer be sufficient just to put it in the Gazette. The Law clearly says:

"Section 3 of the principal law is hereby repealed and the following substituted therefor:

- 3(1) Where it appears to the Governor that any particular portion of land is needed for the layout of a new public road or the widening or diverting of an existing public road; a declaration to that effect shall be;

- (a) gazette;
 - (b) sent by registered post to the registered proprietor of land at his address on the register; and
 - (c) published twice per week for three consecutive weeks in a daily newspaper published and circulating in the Islands.
- (2) the declaration shall state:
- (a) the intention of the Government to construct a road or portion of road over the portion of land;
 - (b) the locality in which the portion of land is situated specifying particulars of block and parcel numbers on the register and so far as feasible, any name or other information which may be helpful in identifying the land;
 - (c) the line and anticipated boundaries on the road or proposed road;
 - (d) the approximate area of the portion of land; and
 - (e) place where a plan can be inspected.
- (3) the Governor shall cause a detached plan of the proposed new road, or of the part of the road intended to be widened or diverted and the lands through which it is to pass to be transmitted to the Registrar to be exhibited to any person who may require to examine it.
- (4) the plan produced for the purposes of this section shall be such as to allow correlation of particulars thereon with particulars of the composite map.

Now, in that section I believe there is ample and adequate notice to any land owner in the Cayman Islands who has interest in his land on which Government is proposing to build a road. The only form of communication not used here is Radio Cayman, and I find it hard to ask Government to make an announcement on the Bulletin Board nightly, that they are going to add a road in some community. This certainly provides ample opportunity for all land owners to be notified that Government intends to take their land. It gives them a plan of the land so they can ascertain quite readily in their own mind, whether it is going to be damaging to their property etc., and whether they want to make a claim.

Again, our country the Cayman Islands, have developed in leaps and bounds. It is no longer sufficient for us to sit on our haunches so to speak, and wait for one of our constituents to make a request to have a road put here or there or for some private developer to decide that he wants to develop a small area of his land into a small housing scheme, and put in adequate roads which lead on to already crowded roads and which does nothing but create problems for the other citizens.

I believe the time has come and the provision is in this Bill. It was recommended by the Consultants to classify roads in this country. This Bill creates a Highway Authority which has power to classify and schedule roads and to assign functions. This is not going to be done in no great secrecy.

The Highway Authority is going to cause roads classified to be published in the Gazette from time to time, insure the implementation of this Law and its Regulations thereunder, it has the power to assign or delegate as may be appropriate, any of its functions as Highway Authority to any public officer or officers, or to any statutory corporation.

It provides under section 5 for five main classifications of roads, and these are: primary arterial roads, secondary arterial roads, collector roads, access roads, and footpaths. The Law further defines these types of roads.

What the Second Elected Member from Bodden Town failed to recognize was that the greatest reason for bringing this Legislation and for changes in the method of compensation and the make-up of the Committee is simply because we are now going to classify the roads. People in the past, when we only had one type of road that went through somebody's land you could argue that the man was given road frontage so the value of his land increased, and he had access directly onto the road etcetera. With some of these roads that is not going to be possible, so it is therefore necessary to provide in the Law a much more complicated though it may be, but which is in fact, a more equitable form of compensation than that which existed under the old Law.

We were told a while ago that the way the Assessment Committee was set up was that Government appointed two of its backbenchers under this Law. That Law was not made by this Government and that is not the first time it has happened. That is the way it has happened from the time that Law came into existence. Whoever was in Government at the time appointed two of their Backbenchers to that Assessment Committee. Now, what has not happened by this Government is that the only Boards which are occupied by Members from this side are the ones which are required by Law. Before all of the Boards were stacked by all of the Members on this side, they got first choice as to which Boards they wanted to be on.

Section 6 of this Law which is an amendment to section 7 of the principal Law, clearly sets up a new Assessment Committee and I will agree with the Second Elected Member for Bodden Town that I too am happy to see it taken out of the political arena. But that also means that I do not think it is going to happen in November this year, I disagree with him there because I do not think he needs to worry about the debt for next year or the year after because he not going to form the Government in November. He will not have to worry about that. But, what this does is that whenever or if he ever forms another Government, he will not be able to put those Backbenchers on it either. So, I think that is a step in the right direction.

It clearly states it should be a Magistrate who shall be the Chairman of the Committee designated by the Governor, a Justice of the Peace chosen by the Magistrate so designated and we all know that the calibre of citizens who becomes Justices of the Peace in the country are citizens of the highest calibre. For the other members, the Magistrate will pick one of six depending on the specialize area which are recommended by the Governor because of their particular knowledge in land values and of road. I believe that is a good Assessment Committee. I think the public will be well served by it. We have to be careful that if ever they get there they do not make everybody Justices of the Peace.

Now the Member mentioned several examples of lands being acquired under the old system which he thought was unfair - but then he went on to say that if we bring this Law whether or not it is fair, we are not going to be able to pay for it. I believe that questions which are going to be answered in this Meeting will allay his fears and he will be able to have a good night's rest after he hears the answers to those questions further on in the week. If we had this type of legislation we would not have the problems we are now having with the little dock and the dock in Cayman Brac where we spent hundreds of thousands of dollars improving somebody else's land. Those thing would not have happened if we had gone

about it in the right way, bought the property first, then put the dock on it, not put the dock on it and now and the man can charge for the value of the dock and the property.

I am not sure who that gentleman supported at the time or who he never supported, I will make no judgement call on that. I can assure you he does not support me but I really do not need his support.

The right of compensation is dealt with in the Bill and there are several sections that clearly spell out one's right of compensation. Any person having an interest in any portion of land to which a declaration under section 3 relates, or which has been taken by the Governor under this Law and who has suffered a net loss by reason thereof, may make a claim within the time limited by, and otherwise in accordance with this Law, and compensation for that loss shall, subject to the provisions of this Law be payable by the Governor to the person making the claim hereinafter referred as the claimant.

For the purposes of this Law a claimant does not qualify for compensation as having suffered a net loss at the time of dispossession of such portion of land under this Law by damage attributable to loss of any standing crop or trees on the portion of land; the severance of such portion of land from the claimant's other land; injurious effect on the claimant's other land; of the dispossession of such portion of land and the loss of such portion of land assessed at its market value. If it exceeds the value of the advantage of the claimant gained by the present of the new or improve road adjacent to his land, subject to subsection 4, a claimant shall not qualify for compensation if his interest in the portion of land to which his claim relates was acquired after the declared date.

Again, I think in the old law it was within 21 days that an injured party from a road had to give notice to the Governor. This Law increases that to 90 days after the declared day. This Law even gives the claimant a choice of how he wants to be compensated for his property. He can either accept as the law provides, a one stage assessment or a two stage assessment.

section 11 -

- (1) The claimant may within the prescribed time and the prescribed manner elect to have his claim assessed under this law in one of two methods of assessment - herein after referred to respectively as (a) one stage assessment and (b) two stage assessment.
- (2) If the claimant fails to make an election in the prescribed time and manner, he shall be deemed to have opted for the two stage assessment; an election once made shall be irrevocable.
- (3) the one stage assessment shall have the following features
 - (a) the assessment shall be made on the assumption that any proposed road development on the land will be built as proposed;
 - (b) payment of any compensation awarded will be in full and final settlement of the claim.

The two stage assessment shall have the following features:-

- (a) on a preliminary basis the assessment shall be based on the assumption that any proposed road development on the land will be built as proposed;
- (b) thereupon payment of such portion of the award as may be approved by the Assessment Committee not exceeding 75 per cent of the amount assessed shall be paid as a interim award;
- (c) when the proposed road development is implemented the Assessment Committee, whether or not constituted in the same manner as the previous committee, shall in the prescribed time, not being later than one year after the scheduling of the road, pursuant to section 5, review the interim award conducting if the Assessment Committee thinks necessary, a further hearing and taking into account the actual location and other aspects of the road development and make a final award;
- (d) the Governor shall implement the final award as necessary, and accordingly either supplement the amount paid to the claimant pursuant to the interim award or to recover from the claimant any excess amount so paid."

Now, as I said before, having served for sometime on the Assessment Committee and listened to people's grievances and claims to land, I believe that the new system of compensating people for land used for roads as proposed in this Bill is much more adequate and fair to the individuals than the old system was. There is a saying in this country, "if you haven't heard a rumour by 12 o'clock start one."

The sad thing about this is that a lot of these questions are coming from people who you expect would know better and that they have been told that Government is going to take 10 miles of road 300 feet wide from George Town to West Bay and on up to Savannah and that no compensation is going to be paid; Government is going to take the land and there is nothing one can do about it. I believe that that is the disappointment for the Second Elected Member from Bodden Town that this Bill is going to put all that to rest. It clearly is the intension of Government to adequately, fairly and properly compensate people for property that has to be taken in this area.

Of course, he mentioned the 1975 - 1976 Development Plan and, do not misunderstand me I am not telling you that that was a perfect Plan either. I personally objected to several things in that Plan, but had the good parts in that Plan been implemented, we would not be in the position we are today where the road from West Bay to George Town is concerned and now facing the kind of problems that we have, because that provided for corridors to be left opened and undeveloped for roads. But, if we do not act now, and I am not talking about after the election, I am talking about now as the Government has done about this piece of legislation. The only way we are going to get a road from George Town to West Bay is through the North Sound and we all know what a furor that can stir.

Being a representative from the eastern districts, I am satisfied that provision is in this Plan to provide corridors in that area for future development. The traffic situation from that end may not be all day long as it is on the West Bay Seven Mile Beach, but certainly, when one is coming to work in the morning it is not an infrequent occurrence to be driving bumper to bumper from the lower end of Savannah into George Town, and visa versa in the evening, at peak hours when people are coming to and returning from work. So, in good planning and in good government, I think it is necessary for us to provide those corridors. The corridors for the by-pass road from Bodden Town are in here, and I will be glad of that day when we can bypass Bodden Town to get to George Town. I hold nothing against the people of Bodden Town but there is usually a bottle neck with traffic in that area.

Any good government has to take the steps that are required to perpetuate the quality of life of its people and continued economic development in its society. I think this Bill is a bill that does that for the ground transportation side of it.

I would hasten to add that I would like to see a similar document produced for many other areas in Government such as health, education, etcetera. We have done so partially with social security. There was a document produced which at least identified a plan that we could follow. We need to do it for education in terms of a Manpower Requirement Survey, and therefore gauge the educational needs to meet those kind of surveys or whatever. We have to realize that as parliamentarians, we have to make the decisions in Government that are going to affect the country fortunately or unfortunately in some instances for a very long time. In some instances the affect is irreversible and that we now have to have information and statistics on which to make those decisions.

The country has outgrown the trial and error method of 'eany, meaney, mlney, mo' or, What you think Mr. Joe? We have to get facts and figures which tell us what is going to happen, what is going to be the result of a given policy, we can monitor it and then decide whether that is the effect we want. This Bill, coupled with the Master Ground Transportation Plan and Survey I believe, does that Sir.

The fact that the Bill takes away some functions from the Central Planning Authority and places it in the control of the Highway Authority - I support that 100 per cent. For five months now I have been trying to get a hedge cut down in my constituency and if we had this Highway Authority and that duty was delegated to a particular section of the Public Works Department, one could call them up and say, Mr. Joe's hedge is encroaching on the road. They could go and investigate it and cut it down. At the present time you have to go through a very long winded process of writing to the Planning Department, they have to find out what is the lot and parcel number then they have to write the land owner and ask him to please cut it down. It takes forever. It has taken me five months in trying to get one tree trimmed.

I was hoping that the Director of Public Works was going to take the steering wheel off the grader this week when he was bringing her out and accidentally knock the hedge down but it has not happened yet. Maybe it can still happen. These kind of things have to be put in a department which can deal with them not locked away in some bureaucracy that people can continue to perpetuate an annoyance to the public and that is what it is. The site distance on the turn that I am talking about is about 8 feet and it is in a 25 miles an hour zone, coupled with that, the house has an entrance and an exit on the same turn.

The Bill also makes it quite clear by way of a Schedule that defines what is an arterial road, a primary arterial road, a secondary arterial road, a collector road, an access road and a footpath. Here again, it is quite simple, if the notice goes out saying that it is going to be for an arterial road the owner of the land will know that Government is going to need 125 feet of land in width for the road ; if it is for a secondary arterial road it is going to be 80 feet; for a collector road it is will be 60 feet; and if it is an access road it will be 40 feet, because we have to increase the footage on these roads to allow for sidewalks and all this kind of thing. And, all this does bring the road programme into the 20th century where it belongs in Cayman.

The Bill even does what my good friends at the Chamber of Commerce and some of the opposition in the country want. It allows one the right of appeal to the Grand Court, so they are quite satisfied with that. Whenever a Bill is published that is the first thing they look for, does it have an appeal to the Court. So in all sincerity, I believe that this Bill will allow the Government to implement the Master Ground Transportation Plan which has been a costly study and in my estimation, it has been worth every dollar that was spent on it.

I believe for the first time in the Cayman Islands we are looking at roads as they should be looked at and that is, to move traffic and not whether the roads are going to suit some particular constituency member's needs. But, most of these roads that are recommended, their location and the Master Ground Transportation Plan are designed to move traffic to make it more convenient and less costly for all of the citizens of this country to move from point "A" to point "B" and that is what roads are for.

I support this Bill in its entirety and look forward to its early implementation and in particular, the bypass road from Bodden Town on down pass Savannah to allow the members of my constituency and myself to get to work earlier and not be delayed.

We now have a Labour Law and the people in my constituency say if they arrive five minutes late for work the employers are telling them traffic jam is no excuse, you can punch out after closing time but you are not entitled to overtime, but if you arrive five minutes late we are going to take an hour out of your pay. It is very important that we get these roads so that people can get to work on time.

I support the Bill Sir, thank you.

MR. PRESIDENT:

At this point we will suspend proceedings for 15 minutes.

AT 3:33 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:54 P.M.

MR. PRESIDENT:

Proceedings are resumed.
The Second Reading of the Roads (Amendment) Bill, 1988.

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Thank you Mr. President.
I rise to support a Bill for a Law To Amend The Roads Law.
If I might I would preface my remarks by saying that it is a pity such legislation as is before us today, had not been placed maybe some 8 to 10 years ago, and then perhaps we would not only have eliminated much of the traffic problems we are experiencing today, but at the same time we would have saved ourselves a lot of money. Anyway, it takes a very forward thinking Government to see some of the things that are necessary, and without meaning to boast, I think this is what we have in placed at the moment. The Legislation which is before us is timely, and, as I said regarding the Penal Code (Amendment) Bill which we looked at earlier, we need to nip these problems in the bud.

As the Member from North Side has said, whenever any legislation is brought to this House, not only the present but the future needs of this country have to be considered. Every single citizen in this country is aware of the many problems which we face as far as roads and the traffic situation is concerned. Not only do we have problems with the public roads but even the secondary arterial roads and the collector roads. Many times along access roads and public footpaths we find that there are many traffic hazards and land owners many times have a tendency to place fences right up against the road where there are blind corners, there are shrubbery that poses a traffic hazard, and there are many areas which need attention, but the Roads Law really gives us nothing or very little with which to work.

The traffic needs of today are monumental, that is not even touching what we are going to be needing tomorrow. As far as is possible, problems do not necessarily always need to be solved, they need to be avoided and I see this Legislation trying to do just this.

I support this Bill. Not only the residents of this country, but

the visitors to this island, in addition to having to struggle with driving in the opposite side of the road to which they are not accustomed or most of them are, they find that they have to cope in addition to that with all the other problems that the local citizens have to cope with.

Development in this country will continue to move forward if we are fortunate and wise enough to place back in power a Government such as the one we have right now. This country should be moving along at a sensible pace, and we need to be thinking of meeting those needs as development continues in this country.

The Third Elected Member of Council did an excellent job in explaining the Bill before us, and I want to thank him for the very fine job which he did. I am sure that much research and time was spent in order for him to present the Bill the way in which he did. I would like to say here that I believe that while we may find as we go on certain things which might be needed, or which perhaps might even need to be deleted, as the Bill has been explained to us it is legislation which we need. The people of this country I am sure welcome it. The funds which are necessary to put it in place will take a number of years but, as I mentioned before, with the individuals of the calibre which we have governing this country at the moment, I feel that the citizens of this country will be in a position of meeting the needs of this particular piece of legislation, seeing that the traffic requirements are in place.

Someone mentioned that we will not have money to build nor could we borrow because we are already so much in debt. I believe that, like we have been doing up until the present time, we will not hang our hats higher than we can reach, but we need to look after our people today, and in whatever considerations are made today certainly, the future has to be in the back of our minds.

I would therefore state that I am in full support of the Bill before this Honourable House, and as I see it, the people of this country will agree to the actions which we are taking today in trying to eliminate the problems which we now face and to provide for the needs of tomorrow. Thank you.

MR. PRESIDENT:

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, I am in support of the amending Bill before us which is necessary if Government is to embark upon a major highway building programme.

The present Roads Law is unsophisticated, not in tune with today's needs, and especially, it contains only limited provisions for the payment of compensation to land owners whose land is required for road building programmes. Clearly, there was a need for this revision to deal with this question of compensation, and the Law provides explicit definitions. It provides for more adequate notice to the land owner. It provides for clear identification of the land to be taken with an opportunity to inspect the plans. There is the revamping of the Assessment Committee to evaluate and determine compensation which give for clear procedure and practices that must be followed.

I should say, there are Members who are quite satisfied with the revamping of the present Assessment Committee, but I am not fully convinced that this revamping is the way that I want to go and I will wait until Committee Stage to decide fully on that aspect of the Bill.

I feel, and I will tell the House why, that as Members of the House, we would be sort of sitting in judgement of something carrying out a Bill that we made, but on the other hand with Members being involved we then know what the position is. For instance, the Honourable Third Elected Member of Executive Council introducing the Bill, made many references to a resolution which was accepted by the House in 1986 which was tabled by myself. There is no way that I would have had the opportunity to know the details, and to know the feeling that existed with the general public, there would be no way of me knowing the deficiencies of the Roads Law if I had not been a member of the Assessment Committee with working knowledge of how the Committee carried out its duties. For that reason, there are doubts in my mind whether to accept that part of the Bill.

Let me assure all Members of this House and the public that there was no nepotism in this Member being appointed to that Committee because I have been one of Government's most severe critic at times. But if I should say so myself, I believe I have provided a good balance on the Committee. Nepotism is like the situation with the dock in Little Cayman which was built on a private individual's property. The question should be asked, who does that individual support politically? Now that individual is trying to claim five, six times its value, and some people have the audacity and the temerity to talk about nepotism. It is a wonder that they do not get tongue tied. But this country knows what nepotism is, and as I have said before on another matter, some people's memory is quite long.

I have done my part on that Assessment Committee, I believe I have carried out my responsibilities in a judicious manner to this country and its coffers and I believe that I have in my few meetings, done right by the people of the country, so I do take objection when there is mention of nepotism.

Other than that aspect where it seems that no Members of the House may be appointed to that Assessment Committee, I think that the general revision of that section is quite in order, and I trust that with the new members there will be found different times in meetings for that Committee. At the present time, the Judge sits as Chairman and he can only take meetings of the Committee at three o'clock on a Friday evening - an ungodly hour. So, I trust that with the new makeup of members there will be smoother running of the Assessment Committee. I am not laying blame on anybody, it is just that I know the Magistrate's timetable is very full and that seems to be the only time the Assessment Committee can meet, but Lord, what an hour.

What existed before, as far as compensation is concerned, was similar to what I described the hours of meeting of the Committee - ungodly. There again, I am happy indeed that this Bill is now before the House. We heard complaints about it being a very old Bill. The Member complaining had eight full years for revision and while Nero fiddled, Rome burned.

Today, the Government is providing for negotiated settlement thus avoiding the necessity for all claims to go before the Assessment Committee and this is good. This should speed up settlements, and again the negotiated settlement can also be payment in kind as well as cash or both. The Bill provides for a two stage assessment in which a portion of the estimated amount of compensation can be advanced. So clearly, Government is doing its endeavour best to facilitate its people. There is no hanky-panky as some people are leading the country to believe. The Law is quite explicit in its fairness to the people of the country.

Another area I am happy about is that the Governor in Council is to be the Highway Authority and will delegate certain powers to Government Departments. I am happy about this because we can now deal effectively with companies such as CUC and Cable and Wireless and I am glad that the main law makers will be this Authority. There is some quibble about this also, on the one hand I know in other areas they have said that the Executive Council should not take themselves away from certain things, I think they call it 'the passing of the buck'. So what are they complaining about now, the full charge taken? That is important.

I am satisfied with the general provisions of the Bill, and I do not think that this country needs to worry about the payment of loans to build our road programme. This country is in a good position economically, and as it is with an individual so it is with Government. If people trust you they will lend you, but if they do not trust you they are going to make it awfully hard for you to borrow one dollar, as had been proven before.

I do not think that the Honourable Financial Secretary is going to allow this country to go over its head where it cannot meet its loan payments and that is the important thing. If a man borrows, what is his capacity to pay back? My question to the opposition to this Bill is, how would they have funded our would they intend to fund the programme? What would they have done? Would there be building of casinos to bring in the almighty dollars or would there be taxation? Would there be a throwing open of the country for undesirables to come in so that constant flow of cash is there?

When one criticizes there must be alternatives and the opposition has not given any alternatives to this programme or to any of the Government's policies.

The Second Member from Bodden Town said that there was no money in the Treasury to carry out the provisions of section 25 which is dealing with compensation. There is more money in the Treasury today than when this Government took office. The country was practically bankrupt and no law or finance graduate from Harvard can make me believe different. I know what I faced in the Finance Committee in November and December of 1984 and the early part of 1985 when this country was in a poor position, when Cayman Airways could not fly because of bills it had not paid. It had not paid its loan so if it went to Miami it would have been taken by the people who still owned it because we do not own it. And, if it had happened to get off the ground, which it could not because the fuel bill was not paid. So let them explain all of this. I believe that we have the right kind of management to put this road programme in place.

The country at its present development stage needs such a road programme. But, this is not the first time that they have lambasted Government for building roads, they did that in 1972 when we had the major road programme. Everything in the world was said about the road programme, and we now have some of the best roads in the region. Those Members are irresponsible in their representation to the people of this country.

I want to thank the Honourable Member who introduced the Bill and under whose Portfolio this whole subject falls. This document, meaning the Master Ground Transportation Plan is all told together with the Bill to amend the Roads Law. It is a vital document to this country for which money was well spent. This is one of the documents that can give us information about many areas, not just that one area.

Good management is what it is all about, and I, as a Member of this House, congratulate the Honourable Mover of the Bill.

That being said I support the Bill.

MR. PRESIDENT:
adjournment please.

I think that would be a convenient moment for the

ADJOURNMENT

MR. 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.

MATTER RAISED AFTER ADJOURNMENT S.O. 11(6)

MR. PRESIDENT: I have been given notice by the Second Elected Member for West Bay that he wishes to speak under Standing Order 11(6) which provides for 20 minutes in order to elicit a reply from a Member of the Government responsible for the matter. Under subsection 7, I have waived notice required as it appears to be a non-contentious matter. The Second Elected Member for West Bay.

MR. W. MCKEEVA BUSH: Mr. President I crave the indulgence of the House to place on record my deep appreciation for the young people, their coaches, parents and all concerned who participated and came out victorious at the 17th Carifta Games held on the 5th - 9th of April in Kingston, Jamaica. Those Games brought together some of the finest young athletes from the region for competition in athletics, badminton, boxing, cycling, swimming, table tennis, and lawn tennis, in which our young athletes were champions by no small measure.

Having had the opportunity of attending the Games myself, it provided a wonderful first hand experienced to share in the joys and disappointments of our young ambassadors. The Carifta Games in my opinion, have indeed become a wide scope for incentive to work for participation in larger international games. However the participation in Carifta Games is a fact which, by itself, must help the personal and overall development of our young athletes.

The opportunity to mix with people of different languages and cultures also opened up to many who perhaps may never reach senior international levels, while it helps those with real potential to do exactly that. Therefore, all channels must be opened to those who have that potential to compete in larger international events, and to that end, we as a Government are resolved to do more.

The occasion saw Caribbean records broken in long jump by one of our young athletes, Kareem Streets who brought home a gold. It saw in the very difficult cycling road race of some 64 miles over hills and mountains from Kingston to Mandeville, a gold medal being won by Perry Merren of George Town who took first place by nearly four minutes - an impressive accomplishment. Young Merren again took the gold in a 3,000 meter pursuit at the National Stadium. The bronze was taken in a 16,000 meter race by West Bay cyclist, Mitchel Smith. Another gold was taken by young Rachel Morrison in high jump one silver medal was taken by Peterkin Berry in the javelin, and another by Vanda Powery in the discus.

This is a wonderful and impressive accomplishment by all medalist to bring home a total of seven medals including four golds. Per capita seven medals for the Cayman Islands is something for us to be jubilant and for the rest of the Caribbean to take notice of. As a Government, when there is so obvious a majority of young people exhibiting interest in worthwhile things, we must continue to do everything possible to encourage such young people who have the potential and are desirous to get involved with some sort of sporting activity.

Certainly, this Government has taken a more responsible attitude in its support for sports. Government today has the services of a Sports Director and has recently appointed a young man as assistant to coach in the schools. No one can dare say that this is not a good start, although there is much more to be done as far as coaching is concerned. Government has put or tried to assist in putting playing fields in every district, in addition to a new football field being built in West Bay, Government is helping with a softball field, and new cricket pitch is being planned. Government has put volleyball, netball and hard courts in most districts. The Sports Centre is advancing with plans for a pavilion in the making. Government patronizes in the giving of money for all sporting activities, and in this area, there must be more commitment for more funds, there must exist larger and definite support for all sporting organizations in these Islands.

The trip to Jamaica, gave me the chance to inspect facilities and, Mr. President and Members, to use as a reference we have a track at the Sport Centre but by comparison,

we need to properly surface it. Considering the Government's commitment, I am assured they will continue to do their part. In fact, I believe I already have some support for the consideration of the construction of a velodrome for cycling.

Government displayed its faith in our young people and its commitment to sports by introducing a National Sports Award, a worthy combination of hard work and persistent. So clearly, because there is drive and dedication on the part of some of our youth, their coaches, some parents, and with commitment and support by Government, this little country of ours can go far in the fields of sports. We have only begun to scratch the surface.

This country can no longer fail to recognize the importance of our young people and the tremendous impact they can make for good or bad. In today's Cayman it is explicit that so many of our youth fall prey to bad influences. It is therefore imperative that as a country we bring to mind the good majority who are taking the correct and proper approach to becoming exemplary citizens with principles of right or good conduct whom we can be justly proud of. It behooves all of us, as legislatures, teachers, social workers, and especially parents to guide, to get involved with and to encourage our young people to stick to whatsoever is pure, whatsoever is true, whatsoever is wholesome and good, and this is the purpose of this exercise this afternoon.

It is not hard to prove what the Junior Carifta Games can mean to the development of our young athletes. Furthermore, there can be little doubt that the exposure, the experiences, and the honour of what was for some of them their first national representation at an international level must have been very influential.

Congratulations is well deserving from this House to all of them. I believe they will all go on to greater things and come back again and again victorious. And David picked up a small stone, put it in a sling and it hit the giant and the giant fell. May God bless our young people in their every endeavour and all who persevere to help them. I trust in the not too distant future that such international events as the Junior Carifta Games can be hosted by the Cayman Islands. I look forward to that day, and pledge to do whatsoever I can to further that end.

I thank the House and you Mr. President, for this opportunity to place on record our sincere gratitude to those young people and their leaders.

MR. PRESIDENT:

The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS:

Thank you Mr. President. I would like to commend the Member for having raised this issue at the adjournment. I am not going to take too much time in response, maybe I can add a few little anecdotes and details which the Member might have missed.

I too was in Jamaica not for the entire duration, I am sorry that I missed the opening ceremony, I gathered it was probably one of the most impressive part of the whole Games.

I did go over on Thursday midday for a University Council meeting, and I went directly to the National Stadium once I found out that the Games were on, but I must say, that it was difficult getting information about the Games at the hotel where I stayed, until I ran into one of the Jamaican Competitors with his blazer. He told me it went on to at least eight o'clock so I ran up and I saw some of the performances that evening.

I was lucky in that the Council's meeting should have been over in two days, this is, Friday and Saturday, but by starting at nine o'clock, taking a short lunch break and working until 7:30 in the evening, we finished the business of Council, went on to a fund raising banquet for the University at 8:30 which finished at 1:00 A.M.. I was able to attend the finish of the bicycle cross country race in Mandeville with the Second Elected Member from West Bay. He mentioned that young Merren had beat the field by four minutes, he failed to say that we only beat Merren to the finish line by about four minutes too.

Be that as it may, I would just like to say that we just missed another bronze in one of the sprint races - in fact it was a photo finish and it was about half an hour before they decided to give it to the Jamaican competitor rather to our young athlete.

We had a swimming team in the Carifta Games for the first time and while they did not win any medals, most of the competitors beat their own personal times and this promises much for the future. I understand in the area of boxing, one young man went on his birthday, so he automatically was too old and could not compete. I do not know whether that is the work of the Member who is suppose to replace me in West Bay or not, but having said all of that, I would like to join the Second Elected Member from West Bay in congratulating our coaches, many of whom are volunteers, some are paid and it shows that the money that we have been investing in sporting activities in this country are paying dividends.

If I am not out of order I would also like to add my congratulations to the Cayman Squash team who was in Jamaica at the same time, and came a very close second. I gather there were only about two points separating Jamaica and Cayman for first place, so they too, deserve congratulations. I would also like to include the Karate team from Cayman which competed in Atlanta on Saturday. I believe they won their age group championship by running away with just about every trophy there was to be had. In fact, they delayed the flight yesterday when they had to dismantle the trophies to get them on board, some of them were so huge.

It was a disappointment on Saturday that when I reached the auditorium where the performances was going on and when we finally located the Cayman team we found that they had cleaned up the opposition so quickly that we could not see any of the matches.

So again, my congratulations to everybody and my thanks to the Second Elected Member for introducing this item on the Adjournment. Thank you.

MR. PRESIDENT:

Before I put the question, I should like to add my congratulations to the Junior Carifta team to all of them, and hope that members will join me at a reception at Government House on, I think, May the 9th in their honour.

A.M. tomorrow.

The question is that this House do now adjourn until 10:00

QUESTION PUT: AGREED.

AT 4:49 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. TUESDAY, 19TH APRIL, 1988.

**SECOND MEETING OF THE 1988 SESSION
OF THE CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**TUESDAY, 19TH APRIL, 1988
(SECOND 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, OBE	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

APOLOGIES

HON BENSON O EBANKS, OBE, ABSENT FOR AFTERNOON SITTING.

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

**SECOND MEETING OF THE 1988 SESSION OF THE
LEGISLATIVE ASSEMBLY**

**TUESDAY, 19TH APRIL, 1988
(SECOND DAY)**

1. PRAYERS

To be read by the Honourable First Official Member.

2. PRESENTATION OF PAPERS AND REPORTS

THE MASTER GROUND TRANSPORTATION PLAN

To be laid on the Table by the Honourable Third Elected Member
of Executive Council.

3. QUESTIONS TO HONOURABLE MEMBERS

**THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE THIRD
OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL
AND EXTERNAL AFFAIRS**

- No.7: Can the Honourable Member state what is the purpose of the Police boats, i.e. what are their specific uses?
- No.8: Can the Honourable Member state what hours of the day the Police boats are manned and therefore operational?
- No.9: Can the Honourable Member state what action is being taken to make the Lima III Police boat fully operational?

4. GOVERNMENT BUSINESS

BILLS:-

SECOND READING

- (1) The Roads (Amendment) Bill, 1988
(continuation of Second Reading debate)

FIRST AND SECOND READINGS

- (2) The Traffic (Amendment) Bill, 1988

COMMITTEE ON BILLS

- (3) The Currency (Amendment) Bill, 1988
(4) The Births and Deaths Registration (Amendment) Bill, 1988
(5) The Tourist Accommodation (Taxation) (Amendment) Bill, 1988
(6) The Caymanian Protection (Amendment) Bill, 1988
(7) The Penal Code (Amendment) Bill, 1988
(8) The Roads (Amendment) Bill, 1988
(9) The Traffic (Amendment) Bill, 1988

REPORTS THEREON

- (10) The Currency (Amendment) Bill, 1988
- (11) The Births and Deaths Registration (Amendment) Bill, 1988
- (12) The Tourism Accommodation (Taxation) (Amendment) Bill, 1988
- (13) The Caymanian Protection (Amendment) Bill, 1988
- (14) The Penal Code (Amendment) Bill, 1988
- (15) The Roads (Amendment) Bill, 1988
- (16) The Traffic (Amendment) Bill, 1988

THIRD READINGS

- (17) The Currency (Amendment) Bill, 1988
- (18) The Births and Deaths Registration (Amendment) Bill, 1988
- (19) The Tourist Accommodation (Taxation) (Amendment) Bill, 1988
- (20) The Caymanian Protection (Amendment) Bill, 1988
- (21) The Penal Code (Amendment) Bill, 1988
- (22) The Roads (Amendment) Bill, 1988

5. ADJOURNMENT

To be moved by the Honourable First Official Member, Leader of Government Business.

TABLE OF CONTENTS

	PAGE
Prayers	1
Presentation of Papers and Reports	
Report on the Master Ground Transportation Plan	1
Questions to Honourable Members	
Question No. 7	2
Question No. 8	3
Question No. 9	4 - 5
Government Business	
Bills:-	
The Roads (Amendment) Bill, 1988 (continuation of Second Reading Debate)	
Mr. Linford A. Pierson	5 - 10
First and Second Readings The Traffic (Amendment) Bill, 1988	
Hon. Charles L. Kirkconnell	10 - 11
Mr. Linford A. Pierson	11
Mr. James M. Bodden	11 - 12
Hon. W. Norman Bodden	12 - 13
Hon. Benson O. Ebanks	13
Mr. John B. McLean	13 - 14
Mr. G. Haig Bodden	14 - 15
Mr. W. McKeever Bush	15
Hon. Richard W. Ground	15 - 16
Mrs. Daphne L. Orrett	16 - 18
Committee on Bills	
The Currency (Amendment) Bill, 1988	18 - 19
The Births and Deaths Registration (Amendment) Bill, 1988	19
The Tourism Accommodation Taxation (Amendment) Bill, 1988	19
The Caymanian Protection (Amendment) Bill, 1988	19
The Penal Code (Amendment) Bill, 1988	19
The Roads (Amendment) Bill, 1988	20
The Traffic (Amendment) Bill, 1988	21 - 25
Adjournment	25

TUESDAY

19TH APRIL, 1988

10:00 A.M.

MR. PRESIDENT:

Prayers.
The Honourable First Official Member.

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 of the Assembly are resumed.
Papers. The Honourable Third Elected Member of Executive

Council.

PRESENTATION OF PAPERS AND REPORTS

REPORT ON THE MASTER GROUND TRANSPORTATION PLAN

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I beg to lay on the Table of this Honourable House the final Report of the Master Ground Transportation Plan Study.

MR. PRESIDENT:

So ordered.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, The Master Ground Transportation Plan has been subject to considerable exposure through the newspaper, radio and public meetings. The Study Team met from time to time for consultations with all Members of this Honourable House and other interested groups.

These meetings afforded Honourable Members and other interested parties the opportunity to express their views and opinions and to have first hand knowledge of the various stages of the Study.

At the beginning of the Study, I asked all Members of this Honourable House to consider this project a national issue and to work together in the best interest of our Islands. I am thankful to all Members for their help and cooperation during the period in which the Study was being carried out. I am sure that time will prove that the final Plan is a worthwhile document which will greatly benefit the people of our Islands in future years.

The final Report of the Master Ground Transportation Plan Study is now formally being placed in the records of this Honourable House.

In tabling the final Report Government accepts that it is a good, thorough and professional piece of work which complies with the original terms of reference that were given to the Consultants. This does not imply Government's acceptance of all the policies and recommendations at this stage. These will be subject to the usual consideration by the Governor in Council as to policy, and to the approval of this House of any legislation that may be necessary. The Plan calls for considerable expenditure and these recommendations, if accepted by the Governor in Council, will be put to the Standing Finance Committee of this House in the usual way.

I can say, however, that Government has submitted some of the urgent recommendations in the Plan to the Standing Finance Committee with the view to carrying out approximately \$800,000 worth of necessary work this year. Finance Committee met on the 31 March 1988 and approved this expenditure.

Included in this figure is a modest amount for the preliminary design work for the initial sections of the new West Bay Road arterial. The inclusion of this should not be taken as implying a final commitment to that aspect of the recommendations, but rather a sensible first step towards a solution of the traffic problems in that area without, at this stage, committing any substantial resources to it.

It is Government's intention to maintain the Technical Advisory Committee which has been established in an advisory capacity. The Committee will greatly enhance the ability of Government to deal with the road issues in an efficient manner.

MR. PRESIDENT:
for North Side No. 7 please.

Item three of the Order Paper. Questions. The Elected Member

QUESTIONS TO HONOURABLE MEMBERS

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 7: Can the Honourable Member state what is the purpose of the police boats, that is, what are their specific uses?

ANSWER: The purpose of the police boats is to enable the police to fulfill at sea a similar function to that on land, broadly to enforce the law and to protect life and property.

MR. PRESIDENT: We shall have to wait a moment for the distribution of the written text.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: Supplementary Mr. President, does "to protect life and property" include rescue and tow at sea?

HON. J. LEMUEL HURLSTON: Yes Mr. President it does.

MR. JAMES M. BODDEN: The present police boat that was just bought, would that be capable of towing any boat at sea that may be in trouble?

HON. J. LEMUEL HURLSTON: Mr. President, I believe the question is in reference to Lima II and the answer is that Lima II is capable of towing. I can not say that it is capable of towing any boat but it does have towing capability.

MR. JAMES M. BODDEN: Mr. President, I have to crave your indulgence because I am not familiar with Lima II or III. I am referring to the M.V. Bertram that we just bought. Is that capable of doing any towing service at sea especially if it was heavy weather?

HON. J. LEMUEL HURLSTON: Mr. President, the answer is that the vessel is capable of towing at sea in rough weather.

MR. JAMES M. BODDEN: Are the police boats ever used anymore or are they constantly tied up in Governor Sound?

HON. J. LEMUEL HURLSTON: The police boats are fully operational and are constantly in use, Mr. President.

HON. BENSON O. EBANKS: Supplementary, Mr. President. Could I ask the Member if it is correct that sometime last year during the bad weather months the Lima III which was purchased by the last Government went to tow in a boat and that itself, with the boat in turn had to be towed in?

HON. J. LEMUEL HURLSTON: I cannot confirm that incident, Sir, it is not within my recollection.

MR. G. HAIG BODDEN: Mr. President, I want to ask the Member if the reason why the boat could not tow was because of the lack of maintenance by the present Government?

MR. PRESIDENT: You must give the Honourable Member a chance to answer that, but I do think we are getting a bit away from the question. Carry on please, the Honourable Third Elected Member.

HON. J. LEMUEL HURLSTON: Mr. President, I have said I do not have any recollection of the incident, therefore I cannot answer that supplementary question.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member with regard to his answer about fulfilling a similar function on land, has the new Bertram been instrumental in apprehending anyone or any other boat for drug offences?

HON. J. LEMUEL HURLSTON: I do not have the information as to the specific offences but I can assure this Honourable House, Mr. President, that all police boats have been very active recently but in particular the new Bertram Lima II has been exceedingly busy in prosecuting offenders along the Seven Mile Beach area and certainly, within the last two weeks a lot of prosecutions have been laid.

HON. BENSON O. EBANKS: Supplementary, Mr. President, with respect to the Lima III and the maintenance by the present Government could the Member say if it is a fact that the Lima III attempted only one voyage to Cayman Brac and that was during the past Administration's term of office? Is it also a fact that it took 72 hours to make the journey one way?

MR. PRESIDENT: I think in fact, that supplementary will come later under the third question laid today but if the Member asking the question wishes to take it now he may.

MR. D. EZZARD MILLER: Supplementary, Mr. President, the question did ask for the specific uses of the boat and while the answer is a nice British diplomatic one and has all kind of meanings, I wonder if the Member could be so generous as to be a little more specific and give us some of the uses that the boats are actually put to?

HON. J. LEMUEL HURLSTON: Yes Sir, I can be a little more specific. The police boats are used to patrol our waters and to deal with a variety of offences that are sometimes committed on the water, to check on the enforcement of the Marine Conservation Law and to look at the project of the enforcing of other pieces of Legislation. They have drug interdiction activities and generally the preservation of law and order, search and rescue and like matters at sea.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could say how often the

police boat is used to patrol around the Island?

MR. PRESIDENT: Excuse me, I think that does come under the next question. I think you would prefer to put it as a supplementary on the next one.

MR. JOHN B. McLEAN: I will Sir.

MR. PRESIDENT: Perhaps we should go to the next question since we are nearly there.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 8: Can the Honourable Member state what hours of the day the police boats are manned and therefore operational?

ANSWER: It would not be prudent to state publicly at what hours or at what locations police boats are operational. To do so could provide an advantage to the criminally-minded.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries, The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, with the greatest of respect, Sir, I am not looking for an advantage for the criminally-minded in this country, but for ordinary citizens like myself who are very much involved in boating. The question does ask what hours of the day the boats are operational and that is the answer I want. I want to know whether the boat is operational from 8:00 A.M. to 5:00 P.M., from 7:00 A.M. to 3:00 P.M. or whether it is operated on a shift basic. The answer has to deal with the hours of the day that the boat is operational and I would like that answer, Sir.

HON. J. LEMUEL HURLSTON: The boats are fully operational every day all day and are also operational at nights.

MR. D. EZZARD MILLER: Can the Member state what he means by 'operational' whether they are manned and whether people are there who can go out and rescue people? The reason I am asking this, Sir, is because I was out in a boat a couple of weeks ago and at five o'clock in the afternoon there was someone whose boat had broken down on the twelve mile bank and neither of the three police boats could be raised by the security officer on the dock?

HON. J. LEMUEL HURLSTON: Mr. President, the boats are operational and the fact that one or two or three may not be on the radio at five o'clock in the afternoon does not necessarily mean that they cannot be made operational at very short notice. So, although they are operational it does not mean they are constantly in use and that there is someone standing by the radio on the vessel. The crew could be on a break and there are other ways and means of contacting them other than by radio.

MR. D. EZZARD MILLER: Mr. President, could the Member give this House an undertaking that those boats and in particular the new boat for which we paid over \$200,000, are going to be manned 24 hours a day? The instance I am talking about, the Port Security tried repeatedly through the Police Station. At least, that is what they said on the radio and I think it ended that a private individual had to go and rescue the boat.

HON. J. LEMUEL HURLSTON: I can give the House the assurance that the boats are as operational as they can be and I cannot give the assurance that it is going to be 24 hours a day without a break. I am sorry I cannot give that assurance, Mr. President.

MR. D. EZZARD MILLER: Supplementary, Mr. President, can the Member state how many people are presently employed in the Marine Section of the Police Force?

HON. J. LEMUEL HURLSTON: My understanding is that the staff of the Marine Section currently consists of one Inspector, one Sergeant and five constables.

MR. G. HAIG BODDEN: Mr. President, can the Member say if it will be possible for one of the officers that come up to tape my meetings be detailed to answer the radio phone?

HON. J. LEMUEL HURLSTON: No, Mr. President, I cannot do that because the officers who go to Bodden Town to tape the meeting of the Honourable Member do not work in the Marine Section.

MR. JOHN B. McLEAN: Mr. President, I did bow to your ruling a while ago but my reason for asking the supplementary on the first question is it did say what are their specific uses? However, the question was, can the Honourable Member say how often the police boat is used to patrol around the Island?

HON. J. LEMUEL HURLSTON: Mr. President, the police boats are used to patrol around the island on a regular basis.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could say how regular is regular?

HON. J. LEMUEL HURLSTON: The regularity is totally dependent on the instructions given on the work detailed by the Superintendent and it all depends on the area of the Island targeted for a particular operation, but whenever general patrolling is to be done it is done around the entire Island.

MR. D. EZZARD MILLER: Supplementary, Mr. President, I wonder if the Member has available how many hours Lima II has been used since it has been bought?

HON. J. LEMUEL HURLSTON: No, Mr. President, but if the Member wishes that information I could supply it in writing.

MR. JAMES M. BODDEN: Mr. President, evidently the Marine Section is under-staffed so in view of the question asked by my colleague a few minutes ago, I wonder whether it would be possible to transfer these people who are sent to tape the meetings, to where they could be transferred to the Marine Branch to do

something that would be much more beneficial for the good of the country?

MR. PRESIDENT: I think that is a hypothetical question in that you are saying that something may be more beneficial than something else but on the question of manning I think the answer could be given.

HON. J. LEMUEL HURLSTON: Mr. President, on the question of whether the Marine Section is short-staffed or not, that is a matter of opinion. In my opinion for it's present operation given the number of vessels and it's scope, it is not short-staffed but that is my personal opinion.

MR. JAMES M. BODDEN: Mr. President, this question is aimed at the question that the First Official Member to Executive Council asked a while ago. If the vessel had problems in going to Cayman Brac, is it not true that this present Government released the Caymanian men in charge and placed an Englishman there who did not know port from starboard. Could we be told whether this was the time that the particular boat had such a long voyage?

MR. PRESIDENT: It is correct that I allowed the matter to be raised but I do think we are getting a long way outside the question... No, I am sorry I think the question is for the Member in charge of the subject but, The Third Official Member would you care to reply, if you are able to?

HON. J. LEMUEL HURLSTON: I am very sorry Mr. President, I have no recollection of the incident being referred to.

HON. BENSON O. EBANKS: Supplementary, Mr. President, the incident I referred to could not have been what the First Elected Member from Bodden Town refers to nor was it the cause of his supposed allegation. My question to the Member is whether or not it was not stated by the previous Government when the Lima III was bought, that one of the functions of the Lima III or why that Lima III was bought was because it could patrol regularly between the Islands and that on it's first attempt it took 72 hours to make the 60 mile journey which is less than one knot per hour and that it was a total disaster to have bought that boat in the first place?

MR. PRESIDENT: I think there might just be a question there, would you give the Third Official Member a chance?

HON. J. LEMUEL HURLSTON: Mr. President given that Lima III has a maximum speed in excess of one knot, it seems to me that the straight distance mathematics does not work out. I have no recollection of the attempt being referred to, nor do I have any recollection of the length of time that the attempt took, nor do I have any recollection of the stated purpose for which the boat was being bought other than general police duties.

HON. BENSON O. EBANKS: Could I ask, Mr. President, that the Member obtain the information on that voyage and table it during this Meeting?

MR. PRESIDENT: I think we have had sufficient coverage of this question and journeys around it. A written statement would be useful if it can be put together. I think there is a convention in fact, that we do not investigate the actions of previous Governments. However, I think the final supplementary could reasonably be put by the Member who put the question in the first place.

MR. E. EZZARD MILLER: Mr. President, in light of the fact that the Third Official Member of Executive Council has indicated in his opinion the Marine Section of the police is not under-staffed, could he give this House the undertaking that an attempt is going to be made to utilize the staff more effectively to give 24 hours coverage?

HON. J. LEMUEL HURLSTON: Mr. President, I can only give the House the assurance that all of the resources are going to continue to be deployed to their maximum and greatest advantage to the Caymanian community.

MR. PRESIDENT: In my last statement I caught the eye of the Second Elected Member for West Bay a little late. Would he like to ask a supplementary?

MR. W. McKEEVA BUSH: I had a supplementary question, Mr. President, but I am afraid it would carry on too long because there is too much politics in this thing. Members should have attended the Finance Committee meeting and voted no...

MR. PRESIDENT: Please do not make statements. I invited a supplementary question? You should not make statements. Let us go to the third question shall we? The Elected Member for North Side.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 9: Can the Honourable Member state what action is being taken to make the Lima III police boat fully operational?

ANSWER: The vessel, which is old and nearing the end of its usefulness as a police launch, is at present fully operational.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, can the Member let us know what is the ordinary operating speed of this boat?

HON. BENSON O. EBANKS: Dead slow or slower.

HON. J. LEMUEL HURLSTON: Mr. President, I could give an undertaking to provide the answer to that supplementary in writing if I may, Sir.

MR. D. EZZARD MILLER: Mr. President, the Member has said the boat is nearing it's usefulness to Government as a police launch but it is now fully operational. Can the Member state whether the engines on that boat have been recently overhauled in order to improve their efficiency? The reason I am asking that supplementary is that I witnessed the boat trying to tow a 10 foot catamaran and it could not turn itself in to the

wind it had to turn down wind because it did not have the power.

HON. J. LEMUEL HURLSTON: Mr. President, my understanding is that the vessel recently underwent some refurbishing and maintenance work that was carried out by the staff of the Marine Section but that did not include a professional complete overhauling of the engines.

MR. D. EZZARD MILLER: Supplementary, Mr. President. Is the Member indicating that the men who are hired as diesel engineers on the boat are not professionals?

HON. J. LEMUEL HURLSTON: No Mr. President, far be it from me to do that. I was simply trying to indicate that it was not done by a factory or by someone sent by a factory representative.

MR. JAMES M. BODDEN: Mr. President, we have had quite a few questions in regards to the speed, now if the boat's engines are not overhauled and taken care of properly then it is like an automobile, it cannot function. So, I would like to ask the question as to whether this present Administration has paid any attention to the repairs that were needed on the engine of the boat in order to keep it in top notch condition?

HON. J. LEMUEL HURLSTON: Mr. President, firstly, as to the speed I have given the House an undertaking that I will supply that information in writing. As to the efficiency of the engines in this particular boat, these, like anything else, will reach a stage in their life when it becomes uneconomical to invest considerably large sums of money on ongoing maintenance and it is possible that these engines have now reached that point.

HON. BENSON O. EBANKS: One last supplementary, Mr. President, I would ask the Member that in giving the speed of the boat that it be determined not from the representation that was made when the boat was sold or purchased but from the log books, the actual performance of the boat, like the 72 hours to Cayman Brac.

HON. J. LEMUEL HURLSTON: Yes, Mr. President I will try and obtain the actual capability.

MR. JAMES M. BODDEN: Mr. President, the log book would not be much help to my colleague, he would not know how to read it. My question is, in furnishing this reply would the Member also supply this House with the amount of time and the amount of money that has been spent by this present Administration in maintenance on Lima III since they took office in November 1984? I think that will give us the answers.

HON. J. LEMUEL HURLSTON: Mr. President, perhaps the Member could put a substantive question. I do not see how that arises as a proper supplementary out of the answer given to this question.

MR. PRESIDENT: I think with respect to you, it does arise and that you should, in your written statement, provide the hours and time and cost of maintenance. I think that is reasonable, it is a matter to do with its operational capacity and cost of maintaining it.

MR. JAMES M. BODDEN: Mr. President, I thank you very much for that.

HON. J. LEMUEL HURLSTON: I will so undertake Mr. President.

MR. PRESIDENT: Thank you. Well now maybe we should return to land. Let us move to item 4 on today's Order Paper.

Continuation of the Second Reading debate on the Roads (Amendment) Bill 1988. The Second Elected Member for George Town.

CONTINUATION OF SECOND READING THE ROADS (AMENDMENT) BILL, 1988

MR. LINFORD A. PIERSON: Mr. President, I rise in support of the Bill before us today. A Bill for a Law to amend the Roads Law. I realize that in an election year we will hear much political rhetoric regardless of the importance of measures being brought to this House but I hope, Sir, that we will try to balance our political rhetoric with facts and not fiction or emotionalism.

I will endeavour to deal with the contents of this Bill and also to make my presentation devoid of any political rhetoric. I will keep that for any political platform because I realize it will be needed in George Town.

The purpose of this Bill seeks to amend the Roads Law to ensure that the development and maintenance of the road system matches the vibrant movement of Cayman's economy.

Before moving into the text of my debate I would wish to congratulate the Honourable the Third Official Member of Executive Council for the very comprehensive manner in which he presented this Bill. I felt after listening to him that there would have been very little debate on this Bill, but alas, that was incorrect as some Members debated the Bill and it seems that some of it is being brought in to political discussion.

My reasons for debating this Bill is mainly because there has been much misinformation fed to the public on this subject by certain politicians and since most of the activities on roads will perhaps be done in the capital district George Town, I feel it my duty to set the records straight as a representative for the George Town constituency.

Firstly, Mr. President, there is no truth in the rumour that Government will be taking away people's land without proper compensation and secondly, an Assessment Committee will be comprised of a Magistrate as Chairman, a Justice of the Peace and another individual with experience of land values. These will consider all claims for compensation.

Mr. President, during my relatively short contribution to this debate I will endeavour to point out the need for this Bill especially at this point in our country's development. I feel Sir, that with a Bill of this importance, Members of this Honourable House should deal strictly with its contents and avoid using it for electioneering for the upcoming elections.

The three main purposes of the Bill are as follows:-

- (1) New categories of roads are required to ensure efficient and cost effective movement of traffic. The Bill therefore provides for the creation of an arterial system of roads for communication between major centres of population and for a supplementary system of collector and access roads.

- (2) There is recognition that the entire community will benefit from clear indication of the long term corridors for new roads.
- (3) There is acceptance that having regard to the ever increasing value of land a more sophisticated system of compensation to land owners should be implemented when possession is taken of a portion of land for road purposes.

This third section or purpose, Mr. President, I will comment on in more detail later on in my debate.

The Bill also addresses ancillary matters which have significance in the road system - the creation of composite map, composition of the Assessment Committee, statutory authorities such as the Water, Electricity etc.; the creation of a composite map comprising both the Topographical Map and the Registry Map to resolve any detail discrepancies in road boundaries.

And secondly, reconstitution of the composition of the Assessment Committee to include, as I mentioned earlier, a Magistrate as Chairman, a Justice of the Peace and a person chosen from a panel of persons selected by the Governor in Council as having experience of land values or highway matters.

Thirdly, the introduction of a requirement that statutory authorities such as the Water and Electricity Authorities should only exercise their powers along or across public roads in accordance with permission granted by the Highway Authority.

From the purposes stated under the Memorandum and Objects of this Bill there should be no doubt at all as to its timeliness and efficacy. As mentioned earlier, since the Honourable Third Elected Member has done such a good job in the presentation on the contents of the Bill, as have other Members of this House, I felt that my contribution would be more meaningful if I dealt with some of the considerations and studies that resulted in the need for the Bill before us today.

I will draw on certain statistics from the Master Ground Transportation Plan which has been tabled in this House today. We see that the review of the Economic Development Plan 1986 to 1990 and the Development Plan of 1977 provided the basis for judging likely future policy decisions and their effect on transportation planning which has also resulted in the Bill before us. The 1977 goals or strategies had a strong growth and development orientation to encourage tourism, banking, manufacturing, etcetera.

I also understand that the forecasted population of Grand Cayman is some 26,700 persons by the year 1992, and some 34,000 projected population for the year 1997. While these are only projections, it is the duty of any good Government to properly plan for the future as is evidently being done by this Government by the introduction of this Bill.

Smooth well planned and controlled development is the key to our success. The reason as I understand it, why concentrated efforts will be placed on roads in George Town, West Bay and Bodden Town is mainly because those three areas have the highest proportion or density in population. It was not for any political reasons but out of good common sense and need.

George Town has over 33 per cent of our total population. However, together with the Seven Mile Beach area and West Bay, the western end of the island is expected to have some 74 per cent of the Islands' population in five years time, with a growth rate projected over the next five years of 30 per cent along the Seven Mile Beach area, 25 per cent in Bodden Town and 21 per cent in George Town. On the basis of these statistics alone I would have thought at least that the representatives for these three areas would have welcomed and supported this Bill.

In addition to the development within our tourist industries reflected in the increased numbers in air arrivals and tourist ship passengers there will be a greater demand and need to employ individuals in George Town and along the Seven Mile Beach at least for the foreseeable future, thus, creating more congestions on our existing heavily travelled roadways.

Having established with that short summary the need for this timely piece of legislation, I wish to now deal with certain aspects of the Bill which I consider most important and worthy of further comment.

I now turn to Section 3 of the Bill which repeals and replaces section 3 of the principal Law. This deals specifically with the notification of proposal to take land. For the sake and for the information of the listening public I will deal with these areas in detail because I feel it is their right to know what is contained in this important piece of legislation. Land will not be taken away from people and used by Government without proper consideration and without proper compensation. I wish to make that point abundantly clear.

Notification of proposal to take land. The procedure will be whenever it appears to the Governor that any particular portion of land is needed for the layout of a new public road or the widening or diverting of an existing public road, a declaration to that effect shall be (1) gazetted (2) sent by registered post to the registered proprietor of the land at his address on the Register and (3) published twice a week for three consecutive weeks in a daily newspaper published and circulating in the Islands.

The Declaration shall state the intention of the Government to construct a road or a portion of road over the portion of land; and (b) the locality in which the portion of the land is situated specifying particulars of block and parcel numbers on the Register and as far as feasible any name or other information that may be helpful in identifying the land; and (c) that the line and anticipated boundaries of the road or proposed road, the approximate area of the land and the place where a plan can be inspected.

The Governor shall cause a detached plan of the proposed new road or of the part of road intended to be widened or diverted and the lands through which it is to pass to be transmitted to the Registrar to be exhibited to any person who may require to examine it. Proper procedures will be followed. Notification of proposal to take the land will go along proper defined lines. The plans produced for the purposes of this section shall be such as to allow correlation of particulars thereon with the particular on the composite map.

I move on to Section 7. I will not deal with all the sections of this Bill but I have picked out certain areas which I consider to be of principal importance or most important. This is not to say that this is an absolute position, this is my opinion, Sir.

Section 7 is repealed and replaced by a new section which deals with the right to compensation, notice of intent and claims for compensation etcetera. This is very, very important because the public need to know their right for compensation whenever Government decide that they need to utilize or proposes to take any property. They do have a right and I wish to deal with these rights as follows:-

"Any person having an interest in any portion of land to which a declaration under Section 3 relates, (which I have just dealt with) or which has been taken by the Governor under this Law and who has suffered a net loss by reason thereof, may make a claim within the time limited by and otherwise in accordance with this Law and compensation for that loss shall, subject to the provision of this Law, be payable by the Governor to the person making the claim."

Mr. President, this is dealing with a situation where an individual has suffered a net loss and for the purposes of the law.

"a claimant does not qualify for compensation as having suffered a net loss unless at the time of disposition of such portion of land under this Law any damage attributable to (a) loss of any standing crop or trees on that portion of land and (b) the severance of such portion of land from the claimants of the land and (c) the injurious effect of the claimant of the land; and (d) the loss of such portion of land exceeds" - this should be noted very carefully - "those damages exceeds the value of the advantage to the claimant gained by the presence of the new or improved road adjacent to his land (2) and subject to Subsection 4 a claimant shall not qualify for compensation if his interest in the portion of land to which his claim relates was acquired after the declared day."

Notice of intent and claims for compensation also forms a very important part of this amendment.

"A claim for compensation shall be entertained only if the claimant gives to the Governor not later than 90 days after the declared day in such a form and manner as may be prescribed, notice of Intent to make the claim. Provided that where the notice aforesaid is given later than the time allowed by this subsection the Governor if satisfied that the delay was occasioned by illness, absence from the Islands or other good cause may in his absolute discretion accept the notice any time after the time allowed."

So, the Governor has discretion and he can use his discretion in this matter.

I have made reference to 'declared day' and for clarification, the definition given to 'declared day' means "in relation to any land the day on which a declaration under Section 3 in respect of that land is first published in the Gazette."

"A claim for compensation under this Law may be in such form and manner as may be prescribed to be served on the Governor at any time after the giving of the notice of intent, but not later than one year after the proposed road is scheduled as a public road pursuant to subsection 1 of section 5 and shall contain certain conditions. It shall contain the following particulars:-

The land in respect of which the claim is made, the claimant's interest and the date on which and the manner in which it was required, the claimant's occupation of the land etc. This shall also be declared in the Gazette so that there is no doubt in the mind of the claimant as to his right in the procedures he should follow."

The manner and the procedures in which a claimant should follow to make his claim are well documented in this Bill, which I trust will soon become a Law.

I now move from Section 9, to Section 11 of the Bill which says - "the claimants may opt for method of computation of compensation". We have dealt with his rights and now, Mr. President, we are dealing with the way in which he can be compensated.

There are two stages of assessment. There is a one stage assessment and a two stage assessment. However, if a claimant fails to make an election in the prescribed time and manner he shall be deemed to have opted for the two stage assessment and I will deal with each stage so that the listening public can have a full knowledge of their entitlement and they can decide what stage they will opt for.

However, once an election has been made it becomes irrevocable. The one stage assessment shall have the following features:-

"The assessment shall be made on the assumption that any proposed road development on the land will be built as proposed and (2) payment of any compensation awarded shall be in full and final settlement of the claim."

I will repeat that, Mr. President, once we have opted for a one stage assessment instead of a two stage assessment;

"the assessment shall be made on the assumption that any proposed road development on the land will be built as proposed. Payment of any compensation awarded will be in full and final settlement of the claim."

So, if somebody has agreed on a certain settlement and they find out later that it is a little lower than it should be they would have already made their decision and this can not be changed.

The two stage assessment which is more flexible shall have the following features:-

- (a) On a preliminary basis the assessment shall be based on the assumption that any proposed road development on the land will be built as proposed, this is on a preliminary basis -
- (b) thereupon payment of such proportion of the award as may be approved by the Assessment Committee not exceeding 75 per cent of the amount assessed shall be paid as an interim award; and
- (c) when the proposed road development is implemented the Assessment Committee whether or not constituted in the same manner as the previous Committee shall within the prescribed time not being later than one year after the scheduling of the road, pursuant to Section 5, review the interim award conducting if the Assessment Committee thinks necessary a further hearing and taking into account actual location and other aspects of the road developments, and make final award; and
- (d) the Governor shall implement the final award as necessary and accordingly either (1) supplement the amount paid to the claimant pursuant to the interim award or (2) recover from the claimant any excess amount so paid."

Mr. President, it is very clear the procedure that will be followed. There should be no question of the public not understanding this but if there is any misunderstandings I am sure that the Honourable Member presenting this Bill would be very happy to make his Portfolio available to anybody wanting any clarification. I too, as a representative for George Town, would be more than happy to sit with any Member of my constituency in dealing with these matters.

I now move to Section 23 of the Bill where provision is made giving power to the Highway Authority to exchange land to adjust the boundaries of roads. Before dealing with the contents of this section, Sir, I would pause to explain that the Governor in Executive Council shall be the Highway Authority under this Law and shall be empowered to classify and schedule roads and to assign function.

Before dealing with Section 23, I feel that it is only fair that I should explain somewhat the functions of the Highway Authority. In referring to the Highway Authority the Governor will be the Highway Authority and the definition of Governor under the principal Law as I understand it, is the Governor in Executive Council. The Governor should be the Highway Authority under this Law and he shall be

empowered to cause road to be classified, named, described and scheduled as public roads; to cause the schedules of such public roads to be published in the Gazette from time to time, and to implement the Law and Regulations hereunder.

The powers of the Highway Authority are very wide but necessary but the assignment or delegation of any function of the Governor as Highway Authority shall not prevent the exercise of that function by the Highway Authority itself.

Public roads and any proposed public roads shall be classified into five categories. One of these categories I propose to deal with in a little more detail than the others. This category has to do with No. 4 which is access roads as this seems to create a number of problems for our people. The five categories are Primary Arterial Roads, Secondary Arterial Roads, Collector Roads, Access Roads and Footpaths.

Under Regulations the Governor may provide for prescribing the attributes and characteristic of each category of roads and without prejudice to the generality of the foregoing, establishing standards for the dimension, designs, maintenance and improvement and such other features as he thinks fit in relations to such roads, and for controlling the type, weight and other particulars of vehicles which may be used on any such category of roads so as to ensure the proper purpose of that category of road and the repeal amendment or replacement of any provision in the First Schedule to this Law.

Having covered the section dealing with the Highway Authority I will now return to section 23 which deals with the power to exchange land, to adjust boundaries of roads etc.. Subsection (1) of Section 23 reads as follows:-

- "(1) The Highway Authority may, for the purpose of adjusting the boundaries of a road, enter into an agreement with the owner of any land the boundaries of which adjoin or lie near to the road, providing for the exchange of any such land for land on which the road is situated with or without payment by either party of money for equality of exchange.
- (2) Where no payment by either party is required pursuant to subsection (1) no stamp duty shall be payable on the transaction."

This Mr. President, is the power to exchange land to adjust boundaries of roads. Subsection (3) of Section 23 states:-

- "(3) The Highway Authority, if proposing to enter into an agreement under this section shall publish once at least in each of two successive weeks in a daily newspaper published and circulating in the Islands, a notice giving particulars of the proposed agreement and shall not enter into the proposed agreement before the expiration of the period of two months from the date on which the first such notice is published.
- (4) The Highway Authority shall take into account any representations made to it by statutory undertakers or any other persons appearing to the Authority to be affected by the proposal."

Mr. President, Subsection (5) of section 23 states:-

- (5) "When a Highway Authority exchanges land pursuant to this section it shall notify the Registrar and furnish to him particulars of the transaction in such detail as the Registrar may require."

Mr. President, in a nut shell it is saying, instead of exchanging money there can be an exchange of land to adjust boundaries of roads.

MR. PRESIDENT: Would it be convenient to break there for you?

MR. LINFORD A. PIERSON: Thank you Mr. President.

MR. PRESIDENT: Proceeding is suspended for 15 minutes.

AT 11:15 AM THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:50 A.M.

MR. PRESIDENT: Proceedings are resumed.
The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Thank you Mr. President.

Before the morning break I was dealing with Section 23 of the Bill before us, A Bill for a Law to amend the Roads Law. This section deals with the power to exchange land to adjust boundaries of roads, and I would stress before moving away from this section that where no payment by either party is required under this Law that no Stamp Duty shall be payable on the transaction. Also, it is of interest to note that in many instances a person may be better off by having a road put through their land because it then opens the land to development and no doubt for subdivisions, but in any instance where there is a net loss to the claimant, provision is made under Section 7 of the Law to compensate that individual.

Mr. President, I now move to the First Schedule of this Bill. Under the First Schedule of the Bill very clear definitions are given of the attributes and characteristics of categories of roads and as stated earlier, Sir, there are five main categories of roads namely, Primary Arterial Roads, Secondary Arterial Roads, Collector Roads, Access Roads and public footpaths.

Certain members of the public have in the past experienced much difficulty and especially being allowed proper access to their properties. Above all I believe that it is in the public's best interest that the question of access roads be given urgent attention by this Government. The definition given to access roads is as follows:-

"Access roads shall be roads supplementary to collector roads providing -

- (a) access to residences and other private property; and
- (b) links to other roads in the system. The boundaries of these roads may, in general, be established 40 feet apart."

I know of a number of instances which I will not mention here specifically, where individuals are now suffering because they cannot gain proper access to their properties. I feel that it is the responsibility of Government to look into these matters very seriously, and I would ask the Member responsible to take note of this particular point as I am sure he has already done.

The other definitions are the definitions of the other categories of roads which are as follows:-

*** Primary Arterial Roads**

These shall be roads -

- (a) designed to carry high traffic volumes between major centres of activity;
- (b) using so far as feasible the most direct routes save where the Highway Authority in its discretion thinks it desirable that the road should, in the interests of the movement of traffic, bypass any urban or developed area.

Secondary Arterial Roads

These shall be roads that -

- (a) Interconnect with and augment the functioning of primary arterial roads;
- (b) shall accommodate trips of moderate length at a lower level of mobility than is prescribed for the primary arterial roads;

Collector Roads

These shall be roads that -

- (a) provide direct access to residences and other private property;
- (b) permit convenient circulation of traffic within residential neighborhoods and commercial and industrial area; and
- (c) provide access to the arterial system of roads. The boundaries of these roads may, in general, be established 60 feet apart.

Public Footpaths

These shall be public roads on which pedestrians may walk but on which vehicles may not be driven or parked except to such limited extent as the Highway Authority may authorize".

I am now moving on to the Second Schedule of the Bill. This Schedule provides comprehensive guideline for assessment and payment of compensation and because the ownership and disposition of land are subjects near and dear to the hearts of most Caymanians. I will deal with this schedule in some detail.

- Section 2. The Proceedings of the Committee.
- Section 3. The Power to Summon Witnesses.
- Section 4. Inspection of Land by the Committee.
- Section 5. Preliminary Determination of Qualification to claim Compensation.
- Section 6. Assessment of Compensation.
- Section 7. Award of the Committee.
- Section 8. Appeal to the Grand Court.

It can clearly be seen that the interest of the general public is taken into account in the Second Schedule of this Bill from which I have selected Section 7 and 8 for further comments. I regard these two subsections as being most important as they outline the award of the Committee and the right of appeal to the Grand Court. Mr. President, with your indulgence, I will now read these two sections. Subsection 7 deals with the award of the Committee.

"The Committee, after determining the total amount of compensation, if any, in accordance with the provisions of paragraph 6 shall embody their conclusions in a written award signed and dated by the Chairman, and, as far as is practicable, shall show in the award the several amounts awarded as compensation under headings corresponding to the several matters which are required to be taken into consideration by the provisions of paragraph 6. If the Committee are not unanimous, their decisions shall be governed by the votes of the majority. The Chairman shall deliver the award and the record of the proceedings to the Governor, and the Governor shall within seven days of the date of the award cause a certified copy of the award to be given to each person interested and to the Financial Secretary; and thereupon, subject to Section 11 of this Law, the total amount of the award shall become payable in accordance with the provisions of this Law to the persons entitled thereto."

If somebody is aggrieved by the amount of the award they have the right of appeal to the Grand Court. Subsection 8 of the schedule states:-

- (1) The Governor or any person interested in the portion of land or having a right over such land, who is aggrieved by an award of the Committee under this Law may, within twenty-one days of the date of the award or such longer period as the Grand Court may for good cause allow, appeal to the Grand Court on any of the following grounds;
 - (a) that the extent of the interest or right in the portion of land has been wrongly determined; or
 - (b) that the Committee has erred in a matter of law.
- (2) Proceedings pursuant to sub-paragraph (1) may be regulated by rules of Court.
- (3) On the hearing of an appeal brought under this paragraph the Grand Court may make such order, including an order for costs, as it thinks fit."

Mr. President, there is no question at all about the rights and protection of the public. They are fully protected at every point, so anyone that would wish to give an opposite view would be deceiving the public.

Section 13 deals also with the non-payment of compensation.

"Where a person is by virtue of an award of the Committee or an order of the Grand Court made under paragraph 8 entitled to compensation money, that person may apply to the Grand Court for an order that the compensation money be paid forthwith. On an application made under Subsection (1) the Grand Court may grant the order or refuse the order and make such order as to cost as it thinks just. Where the Grand Court makes an order that compensation money shall be paid forthwith the sum due shall thereupon become a charge and the revenues of the Islands and shall be paid from the revenues by the Financial Secretary to the person named in the order of the Grand Court within seven days of the date of the order."

So, Mr. President, there are also provisions where if Government decided that they would be slow in making payment that this matter could be expedited through the Grand Court.

This Bill is a most important piece of legislation. It should have been brought to this House many years ago because of the rate of our development, but I am happy that this Government saw fit to bring it at this time. I stated this is a timely Bill, it is needed at this point in our country's development as it seeks to amend the Roads Law to ensure that the development and maintenance of the road system matches the vibrant movement of Cayman's economy.

One has only to travel along the road leading into the capital of George Town at peak hours to appreciate that this Bill has not come to this House any too soon.

Again, Mr. President, in closing I wish to congratulate the Mover of this Bill on his comprehensive presentation and I give it my full support.

Thank you Mr. President.

MR. PRESIDENT:
therefore put the question.

It appears that no other Member wishes to speak. I shall

QUESTION PUT: AGREED.

THE ROADS (AMENDMENT) BILL, 1988 GIVEN A SECOND READING.

MR. PRESIDENT:

Government Business continues.
Bills First Reading.

FIRST AND SECOND READINGS

THE TRAFFIC (AMENDMENT) BILL, 1988

CLERK: The Traffic (Amendment) Bill, 1988.

MR. PRESIDENT: A Bill entitled the Traffic (Amendment) Bill, 1988, is deemed to have been read a first time and is set down for Second Reading. The Honourable Third Elected Member of Executive Council.

CLERK: The Traffic (Amendment) Bill, 1988.

MR. PRESIDENT: The Honourable the Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I move the Second Reading of a Bill entitled for a Bill for a Law to Amend the Traffic Law Revised. This is a very short Bill which seek to amend Section 43 of the Traffic Law (Revised) and makes special provision for licences for omnibus and taxi drivers.

The Traffic Law in its present form, does not permit the Commissioner of Police to revoke or suspend an omnibus or taxi driver's licence unless he has been convicted in the Court for the following:-

- (1) Driving a motor vehicle when intoxicated; or
- (2) Any offence connected with dangerous drugs; or
- (3) Any offence involving fraud or dishonesty; or
- (4) Any offence against the person; or
- (5) Dangerous driving whether or not causing death.

In Clause 2 the Bill seeks to amend Section 43 by (a) adding the words "or is otherwise not a suitable person to be licensed" to subsection (2); and (b) by adding two subsections immediately after subsection (2).

The amendments to the Bill, if passed, would permit the Commissioner of Police to revoke an omnibus and taxi driver's licence where he is satisfied that the holder is no longer a suitable person to hold such a licence. It would also empower the Commissioner to suspend a licence for any period up to six months if he is satisfied that the holder has conducted himself in such a way as to cause annoyance or nuisance to any member of the public or generally to bring himself, the islands and the operations of tourism in the islands into disrepute.

In deciding whether a person should be licence or whether to revoke or suspend a licence, the Commissioner shall have regard to any breach of any Regulations controlling the operation of omnibuses and taxis made under paragraph (j) of Section 51.

In order to be satisfied and determined whether or not a holder is no longer a suitable person to hold an omnibuses or driver's licence, the Commissioner of Police will have to thoroughly investigate the complaints made against the accuse and hear his or her defence. There are many functions which a Commissioner of Police has to perform in these Islands and he must always follow procedure laid down by the Law and I am confident that no omnibus or taxi licence will be revoke or suspended until the matter has been thoroughly investigated and the facts established.

Mr. President, there is a small group of operators who, if left unchecked, will ruin the good reputation of our islands which has taken many years of hard work to build. Since 1977 when the first taxi stand was provided at the port, we have had several problems cause by a small number of operators.

The situation has deteriorated significantly over the pass few years and we have had to deny a few trouble makers the use of the facility at the Port but of course, they are still

free to continue to cause problems elsewhere. We have received numerous complaints in regard to overcharging and harassment by some operators and we must act now to protect the good name of the majority of omnibus and taxi drivers and our Islands' reputations.

I have had several telephone calls from taxi and omnibus operators who welcomed the proposed amendments. They feel that it is time something positive is done about the poor behaviour and attitude of some operators.

As I said in the beginning, Mr. President, this is a short amendment and I ask all Members to give this Bill their full support.

MR. PRESIDENT:

The question is that a Bill entitled the Traffic (Amendment) Bill, 1988 be given a Second Reading. The motion is open for debate.

The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:

Mr. President, my contribution on this Bill will be very short, as I see as a timely Bill and one which I feel, will enhance the good reputation of the Cayman Islands. I had a telephone call from a taxi driver regarding this Bill about a week ago when it was first heard that this legislation would be coming here, and I think that it is only fair that any misunderstanding on this Bill should be fully clarified.

There is no intention to make life hard for the good taxi drivers. As the Mover of the Bill said, in Clause (2) the Bill seeks to amend Section 43 to permit the Commissioner of Police to revoke an omnibus or taxi driver's licence where he is satisfied that the holder is no longer a suitable person. This Bill will also confer upon him a power to suspend such a licence.

I have heard of instances where passengers have been totally abused by certain taxi drivers. I also heard of one instance where a man of a certain nationality, I think he was English, was being taken to a hotel by a taxi driver and when he realized that the man was English, he stopped the taxi and told him in very poor obnoxious language, to get out of his car. But regardless of our preferences or nationalities this is not the type of behavior that we will tolerate in the Cayman Islands. This is not the type of service that we will offer in our service industry. Taxi drivers are ambassadors to this country and as such, they should conduct themselves in a proper manner. They are usually the first to meet the tourist when he comes in and the last to see him go.

This is not to say that there are not lot of good taxi drivers, there are and the letter that I am going to read will demonstrate that there are some good taxi drivers. There are taxi drivers that welcome this piece of legislation because they want to see the good name and reputation of the Cayman Islands preserved. We do not want to see the situation that exists in some of the other Caribbean islands existing here. It would be a pity today if any Member of this House tried to use this piece of legislation for political means by making it seem as if any particular nationality is being discriminated against. Regardless of whether it is a Caymanian or whoever that is serving in any service industry they should conduct themselves in the proper manner.

This is what makes the Cayman Islands so different from many of the other Caribbean Islands and as far as that is concerned, for many other areas of the world, our respect and love towards each other. I feel this is important, I feel that the good taxi drivers will have nothing to fear because they are now abiding by the same provisions contained in this Law they are law abiding people. This is to bring into line those people that would try to smear our good reputation, the name of Caymanians and the Cayman Islands.

This letter, Sir, was sent to other Members of the Legislative Assembly and was written by a very highly well respected member of the taxi drivers group, I am not sure whether they have formed themselves into an association but this gentleman is a highly respected man and his letter reads:

"As a taxi driver for over thirty years it has now come to my attention that there are things going on that can and will destroy the economy of our country by transportation service. We need some strict rules or regulations to be made and see that they are carried out by our Government before it is too late.

I would suggest these few things that I feel would help. All taxi and bus drivers must have their I.D. cards posted in all taxis and buses where the passengers can see this they will know who is driving them. Their picture, licence number and badge number and the rate listed. These should be given to them at the time they receive their taxi licence from the Police Department.

Any police officer should have the right at any time to stop and inspect vehicles used for taxis and bus operation who should have them, and all those who do not have them should pay a penalty of one month's suspension on their licence. These fines should be carried out on all also for harassment of passengers and overcharging them.

With I.D. cards the passengers would know who is their driver. At present the rate list is posted on the dock and I have overheard many taxi drivers telling passengers the rate is \$8.00 to the Turtle Farm and it is posted \$5.00 per person return trip. Also, drivers using abusing words in presence of passengers a penalty should be carried out for this.

I have heard many passengers from the cruise ships make remarks that they will never come back to this island for they are harassed as much here as they are in other Caribbean Islands. We should not allow taxi drivers to destroy our economy. We have to welcome these passengers coming here, they are the support of our country, we should not allow a few to destroy it for their benefit with their greed and we are all left to suffer.

Another thing is going on that is bad. Passengers paying their bus fare before they leave have to wait until the bus is fully loaded before they leave. Passengers are kept on buses as hostages. Many times some of them are in line for taxi fares for long hours.

I do hope our Government will take this matter seriously and also to it that all taxi and bus drivers are Caymanians or have Caymanian status."

This is the feeling of this particular driver. As I said, this gentleman has expressed himself fully in this letter. He is a highly respected man. I will not call his name but I am sure that many that have dealt with him would also agree that he is a very honourable man and this is the type of person that we need as ambassadors for this country.

Mr. President, I feel, as I have said earlier that this is a timely piece of legislation, I congratulate the Mover of the Bill and I give it my full support.

Thank you, Mr. President.

MR. PRESIDENT:

The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN:

Mr. President, I too can give my support and I do not look on this as being any thing to provoke political controversy. I have very much respect and many good friends in the

taxi business in this island. Over the years they have been our first contact with the tourist so they are our ambassadors. We have to pay them much tribute for the success that this country has in regards to tourism.

But there is one thing that worries me a little bit about this amendment. It is contained in Clause 2 subsection 2(b). In subsection 2(a) we are giving the Commissioner the power to suspend any licence. In subsection 2(b) we are giving him the power to determine whether a person is a suitable person to be licensed under subsection 1 of this Law, whether to revoke a licence under subsection 2 or whether to suspend a licence under subsection 2(a).

In other words, like one of my colleagues have said here before, we are giving unto this man the power of God and we do not know how it will be exercised. We do not know how he will determine whether or not a person is a suitable person. In my opinion, this amendment should have some guidelines to direct the man who fills this position. We should further have something in it to assist the taxi driver who is, let us say, convicted.

It should be some sort of Tribunal to where he can have a hearing among his peers something to determine whether you are going to take away the man's livelihood. Now I fully endorse the point that the taxi drivers should not be using indecent language, they should not be abusive, so forth and so on.

Although I would like to support this amendment I cannot vote for it in its present stage until we know how the Chief of Police is going to determine whether a person is suitable or not and if he makes that decision that a person is unsuitable, I would like to see something in here to protect the taxi driver's rights, that he can go before a group of his peers or a group of some people from the community who would have a final say.

I think we are taking away a man's livelihood, a lot of time on suspicion maybe and this, I think, is unfair.

MR. PRESIDENT:
Council.

The Honourable the Second Elected Member of Executive

HON. W. NORMAN BODDEN:

Mr. President, I rise to support a Bill for a Law to amend the Traffic Law. As in the case with the Bill dealing with the prohibition of street trading which was brought to the House yesterday. I believe that this Bill is in the interest of tourism, protecting the future development of tourism in our islands and I am able to give this Bill my support.

All Caymanians and residents here in these islands will readily and rightly admit the great importance of tourism, an industry which in a relatively short period of time has become one of the two main pillars of our economy, an industry whose continuing success is critical to maintaining of a high standard of living and to ensuring our continuing stability. Nobody will dispute these facts, I am sure, these are all establish and acceptable.

We welcomed a total of 480,000 visitors to our shores last year. It was estimated that tourism contributed something over \$100,000,000 Cayman Islands dollars to our economy and it employs 20 per cent of our total labour force. For this industry to continue to strive and develop to the benefit of all of our people, Government therefore has a definite responsibility to take whatever measures that are considered necessary to protect it by ensuring that our visitors receive the best service possible in all areas and at all levels so that the good image and reputation that we have built through the years and that we hold today in Caribbean tourism is preserved and upheld. In fact, this is not only Government's responsibility, Mr. President, but the responsibility of every man, woman and child in these islands who recognize and appreciate the value of tourism to our country.

Naturally, substantial growth in tourism has produced the need to provide more and more services to meet the demand that expansion brings with it. Service, I dare say, must be of a high quality and fair value and, let me just say here that this applies across the board to all tourism related businesses not just the taxi service, but it is true that one specific area that has experienced considerable growth is in the number of taxis and omnibuses now being operated.

In 1984 we had a total of 236 taxis and omnibuses. In 1987 this number has increased to a total of 308 and the number seems to be increasing almost daily. This tells me and I suppose it is only natural to expect, that the demand for more ground transportation services would attract more people from all walks of life who consider themselves to be taxi drivers, some good, some bad and some indifferent. In other words, we must accept the unavoidable fact that not all taxi drivers will be of the calibre and model drivers such as Mr. Ira Thompson and Miss Sunbeam Thompson in years passed.

Nevertheless, Mr. President, the fact remains that taxi drivers in this country provide a valuable, vital and important service to our tourism industry and, I dare say, we have some very honest dependable drivers who are a credit to these islands. The main area of their business is provided by the large number of visitors to the Cayman Islands and as has been said by previous speakers, I too consider that taxi drivers are the ambassadors of our country and the quality of service they provide our visitors with, will reflect on the islands for the good or for bad.

Unfortunately, in our group of taxis there are some drivers who conduct themselves in such a poor manner that their behavior is a reproach to our country and it is this type of indiscipline and irresponsible taxi driver that this Bill aims to deal with - those drivers against which immediate disciplinary action needs to be taken. But, under the present Traffic Law as it now stands, a taxi driver can only be dealt with when an offence is committed and he is taken before the Court and convicted which as we all know, in some cases, can be a long drawn out procedure.

The Honourable Member for Communication and Works, the Third Elected Member of Executive Council introducing this Bill, myself and my Portfolio on behalf of Tourism, receive many serious complaints from tourists after they have left these islands. They write back to us of incidents where they have been over charged, they tell of foul language that have been used by their drivers.

The complaints are many, varied and are increasing and in many cases we attempted to investigate these cases. We have called taxi drivers into our offices the Member and myself, and confronted them but the drivers know that under the present system there is very little that can be done. So they get away with their poor conduct and bad behavior. It always strikes me as being ironical because this is the very industry on which they are totally dependent for a livelihood and no one should have to convince all drivers that they should be contributing, building and supporting Government and the rest of the private sector in building a strong stable tourism industry.

This Bill makes provision for the Commissioner of Police to be able to revoke or suspend a taxi driver's licence for any period up to six months where he is satisfied, and I think those words carry a lot of weight, that any licence holder has conducted himself in such a poor way as to cause annoyance or nuisance to any member of the public or generally to bring himself, the islands or the operation of tourism in the islands into disrepute.

In regards to the point made by the speaker before me, in Section 2(b) in determining whether a person is a suitable person to be licensed under subsection (1) rests with the Commissioner of Police, I believe as it stands now in the present Traffic Law, the Commissioner of Police has that authority to determine whether or not a person is suitable to be licensed as a taxi driver.

I believe that this Bill is important and timely. It is absolutely necessary to be able to exercise the needed measure of disciplinary control over the bad drivers as has been pointed out. Nothing is aimed at the noble well behaved and responsible drivers that we have and who we are all

proud of and recognize the contribution they have made and are continuing to make.

I believe that those good drivers will welcome this Bill as the Second Elected Member for George Town read a letter from one of our prominent drivers. I believe that they welcome Government finding the means to remove those few bad drivers who are given the majority a bad name and painting a bad image of them in the taxi business. I believe this will be supported and welcomed by all of them.

I see the complaints that I referred to earlier that are directed to my attention being channelled to the Commissioner of Police where the cases can be thoroughly investigated and properly dealt with. I believe that the Commissioner as an honourable man in his position, will go to some detail and extent to satisfy himself that justice is carried out in a fair manner.

Mr. President, with those few words I have no difficulty whatsoever in supporting this Bill.

MR. PRESIDENT:

The Honourable the First Elected Member of Executive Council.

HON. BENSON O. EBANKS:

Mr. President, I offer my support to this Bill and I would admonish Honourable Members not to be swayed or affected by the crocodile tears of the First Elected from Bodden Town.

Under the existing Traffic Law which was produced by a Committee of which he was a prominent Member, and which was one of the few Committee meetings the Member attended, there are far more or just as far reaching affects and sanctions than are being propose here today, and there was no provision there for any revision by his peers. In fact, that Law makes it mandatory for the Police to refuse the licence once a person has been convicted of driving under the influence or being connected with a drug offence. The Court does not have to order that. The discretion as to whether the Court would consider giving the person a licence or not was taken away by the amendment which the First Elected Member from Bodden Town supported. So, let us not be swayed during this election year by crocodile tears.

This Bill, as has been said, is a good Bill. It is welcomed by the majority of taxi operators in the country. I did have some reservation expressed to me as to the procedure and once I indicated that for the Commissioner to be satisfied he would have to hear both sides or he would have to hear the person against whom the charge had been made, the person said we should have had this six years ago because she felt that in her instance, she was being, shall I say, brought into disrepute by persons who should not have a licence. This is what this Law seeks to do.

I give this Law my whole-hearted support. As the Second Elected Member of Executive Council said, if we do not take steps to protect our tourism we cannot expect anybody else to do it. Tourism is important to this country and it is up to this Government to legislate where legislation is necessary, the necessary protections. It is up to the general public to exercise good sense to keep our tourism industry healthy.

I believe that once the tranquility which Cayman now enjoys is preserved and we continue to offer a quality standard of service then our tourism is assured. We cannot let any 'fast buck artist' come in here and try to dictate how our tourism will be developed or maintained. I maintain that persons in this Legislature and the Caymanian public should have the good sense to know what is good for us and how to maintain our tourism product. It is the 'quick buck artist' that we have to guard against.

Mr. President, I support this Bill if it is possible more than 100 per cent.

Thank you.

MR. PRESIDENT:

really want to be very short.

I wonder if we might take the lunch adjournment unless you

MR. JOHN B. McLEAN:

I could wait until after, Sir.

MR. PRESIDENT:

In that case before we do suspend I would like to apologize to the House and to the Honourable Third Elected Member of Executive Council. I omitted to offer him the right of reply on the Second Reading of the Roads (Amendment) Bill. I do apologize. He generously has said that he did not wish to in fact reply. Thank you.

Proceedings are suspended until 2:15 PM.

AT 12:20 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:20 P.M.

MR. PRESIDENT:

Please be seated. Proceedings are resumed. The Second Reading of The Traffic (Amendment) Bill, 1988. On the suspension, the Elected Member for East End was about to speak.

MR. JOHN B. McLEAN:

Mr. President, I rise to support the Bill which is before us. I would add that it is my belief that it is timely and highly necessary.

I have received numerous complaints from tourist and residence alike on the nasty behavior and attitudes of certain taxi drivers. We have very good and courteous taxi drivers who are very embarrassed by the nasty behavior and attitudes of others. I have heard from certain taxi drivers who complain that they refuse to operate at the dock because of the way tourist are spoken to and harassed by others.

Taxi drivers should be good ambassadors to our country and should at all times endeavour to be helpful and courteous to the visitors to our shore. As has been said, they are the first contact a tourist has with our country. I am really at a loss to know how individuals can honestly forget that is the source from which they make a livelihood, why should they try to tear it down?

I believe that this Bill will ensure that taxi drivers will act in the manner that they should. There is one thing that I would like to see added in a further clause and that is to ensure that all taxi drivers are versed in the history of these Islands and that they are able to pass it on to the visitor.

My reason for this is, I was very upset a few days ago to hear from one taxi driver whom I consider an upright citizen, a person of great integrity, who complained to me that he was very embarrassed to know that he had questioned a foreign taxi driver on the dock as to where the capital of the Cayman Islands was and it's name. To his shock, the individual did not know the name nor did they know the location of the capital. This is most ridiculous and I do not think it is asking too much for us to have embedded in this short Bill some method by which we can be assured that the calibre of person operating a taxi knows something of the history of these Islands.

Mr. President, I further believe that the time has come that this area in our economy is important enough to have it properly screened and leave the cream of the crop to supply this service and to promote our industry properly. I agree with a previous speaker who asked that we also include in this Bill some sort of a right of appeal. I believe Sir, it is only fair to the individual should Section (2) have to be enforced that they would have a right of appeal to someone higher.

Mr. President, I am in a tourist related business and I do receive many complaints of over-charging, insulting attitudes, fast and reckless driving, dirty vehicles and loud music which is being played by some taxi drivers. We need to pay special attention as soon as possible and once again I would say the Bill before us is one which is timely.

On the other hand, I have also received reports on some taxi drivers who have been very courteous, helpful and at all times have tried to assist and to satisfy the visitor with whom they have been in contact. It is always a very good feeling when I have that kind of report but I must say, as a Member of the Legislative Assembly, it is really touching when I get a report that somebody has been harassed. It really upsets me and I trust that we will have it corrected by this Bill.

Sometimes I wish that a taxi driver would place themselves in the position of a visitor. It is a possibility it could be their first visit abroad. It is a possibility they could have been from a long flight, and very tired. Can they imagine themselves at that point being insulted or harassed in any way? I think these are the questions they should ask among themselves. They should always be polite.

I would further warn all those concerned not only taxi drivers but those of us who cater to the tourist in anyway that we have very little to offer in comparison to other islands. We have friendliness, we have beautiful beaches and we have lovely clear water. Why should we try to destroy it by removing one of the most important ingredients, that of courtesy?

Some years ago I had an experience and had I been hot headed I could have perhaps been on the same slate with one of these nasty taxi drivers. I had somebody come to my place of business, the individual was in a very nasty loud way, but I stopped and I realized that the gentleman had just come from a long flight he was all worked up and I just reversed his loudness with kindness. That was three years ago and until about a week ago the individual did business with me and reminded me of how well I handled the situation, and once again after three years he apologized to me for his behaviour. I believe that sometimes when we are dealing with such businesses we should extend a little extra courtesy and kindness. Kindness goes along way.

I hope and trust that each Member of this Legislative Assembly will see fit to offer their support to this small but very important Bill and not only should we offer our support here, but we should endeavour, whenever possible, that if we should see something going wrong with a taxi driver or another tourist relative business, we should always endeavour to have it corrected.

Thank you, Mr. President.

MR. PRESIDENT:

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, I feel that it is necessary to have a provision in the Law to deal with taxi drivers of ill repute or with bad conduct. Nevertheless, I cannot support this Bill in its present form.

I do not agree with giving the Commissioner of Police the right to suspend a licence for any period up to six months. This suspension in the first place should be for a time only long enough to have the matter properly investigated and for a decision to be taken.

The second reason I cannot agree with this Bill is that I feel that it is wrong to give the Commissioner of Police the power to revoke a licence. The reason for this is that a taxi licence is all together different from an ordinary licence because if you take it away from the person who is a full time taxi driver you have taken away his means of earning a living.

I saw this happen in Cayman Brac recently when the Aviation Authorities banned a certain lady taxi driver from the airport for many months. Even after the matter had been settled in high executive circles the machinery of Government continued to frustrate this lady and to keep her from earning her daily bread. This was her only means of existence. I feel it is wrong for the Commissioner of Police alone to have the power to revoke the licence.

The revocation should be a matter decided upon either by Executive Council or by some other Tribunal charged with it.

The third reason why I cannot agree with the Commissioner alone having the authority to revoke the licence is because there appears to be no appeal against his actions. Further more, it appears to me that all that is necessary for the Commissioner to suspend a licence is for him to be satisfied that the person has conducted himself in such a way as to cause annoyance or nuisance to any member of the public or to bring the Islands or tourism into disrepute.

The Law is too vague. What will it take to satisfy the Commissioner of Police? There is no guidelines in the Law. There is nothing here to qualify his satisfaction except the fact that he himself is satisfied that the person's conduct has caused some annoyance or nuisance.

We heard the first Elected Member of Executive Council screaming about his crocodile tears and saying that the Member from Bodden Town could not object to the licence being revoked because we had been a party to an amendment to the Traffic Law which makes it possible for the Court to take the licence of a person convicted of drunken driving, I believe was the example he used. I never thought that a Member of Executive Council would make so irresponsible a statement without any attempt to qualify his statement. He knows or should know if he is not blinded by election dust and crocodile tears, that there is a big difference between a process in Court after a person has been convicted of a driving offence and the taking of a licence of that convicted person by the Court than the revoking of a licence simply upon the Commissioner of Police being satisfied. In one instance the taking of the licence by the Court or the suspension by the Court has been done after adequate evidence has been produced in Court to the satisfaction of the Judge, or the Jury and Judge if there is a jury.

While in the instance of this amendment, verification can be done if the Commissioner is satisfied and it depends a lot on the state of mind of the officer at the time, whether he has been lulled into a state of satisfaction to such a degree that he takes the licence which puts the person out of work perhaps for a long period or perhaps forever. So, while I agree that we can have some controls in the interest of providing excellent service for the tourist, we cannot leave this in the hands of one individual.

When a licence is revoked by the Court, suspended or put in abeyance or maybe for a period, that order of the Court is subject to appeals. In fact, without the provision which was specifically mentioned by the First Elected Member of Council, the Court itself can take a licence whenever it see fit under the Traffic Law, as there is a general provision dealing with the drivers licence. That provision covers all types of licences.

The point I would like to drive home is that taking the licence of a taxi driver is a very serious matter and not to be taken lightly. Shakespeare said "You take my life when you take the prop that doth sustain my life". We know the past and it will happen again in the future that there have been many instances where police officers have been known to be biased because they are frail human beings. No matter who is the Commissioner of Police and no matter where he has come from he will suffer his human frailties and this is too serious a matter to be put in the hands of one person.

The revocation of the licence, and I would like the first Member to hear this although he may be winging away on the wings of time, is not a mere administrative matter when it touches among the livelihood of the individual. It goes beyond the mere administration of giving a licence and taking a licence. You are dealing with the life blood of the individual and no amount of technical or legal jargon can separate the means of livelihood to make it look like when you take a licence it is simply just taking away a bit of paper which had been issued by the Commissioner of Police. It is said that no one prays for rain more than a taxi

driver who has a wife and six children. This is a common joke because many taxi drivers are hard working people with many commitments, perhaps a commitment to the bank to pay for the vehicle which he drives, perhaps a commitment to pay the mortgage on his house, commitments to send his children to school and to keep his family.

I will not support this Bill unless the Government changes it so that the revocation will not be a simple administrative act of the Commissioner of Police. And unless they change it so that the Commissioner of Police cannot suspend a licence for six months merely because he is satisfied that there has been some form of misconduct. Finally, I will not support it unless the Government changes it to make provisions for appeals.

MR. PRESIDENT:

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, I rise in support of the amending Bill before the House. With conditions as they exist in the Taxi Association or the taxi business, I would have thought that the Bill would have been given unqualified support.

Member after Member at least those that were not scared to lose a vote, told us about complaints coming to them from the general public and from visitors concerning the outrageous situations that exist in the taxi business. I have looked long and hard at this whole fiasco of the taxi business in this country. Sometime ago my colleague, the Second Member from George Town and myself introduced a resolution in the House to investigate the situation as existing.

I too have been called upon to try to rectify the situation and I too hold a letter in my hand from a responsible taxi driver who has been in the service for some thirty years, an honest person who today is worried because of the problems that exist in the taxi service.

I do not need to reiterate all those things which were read from the letter by the Second Member from George Town, and those things which was told to us by the Member from East End because they were very clear. Some of the things I have heard I would not care to stand in the House and repeat them, but it is obvious that we need to act and decent taxi operators are pressuring us to take action.

I cannot understand how the Members in opposition to the Bill can make such a hullabaloo about appeals because they have been in Government long enough to know or they should know that there must exist some sort of judicial review, as I understand it, and I believe that this will be explained later on. I was always under the impression that it is a right of the land that there would be some sort of appeal. But, to the Member who said he did not agree with giving, and I am repeating what the Member said, "the Commissioner the power to revoke the licence the Member cannot leave it in the hands of that one individual."

I would ask him to get the Law that was instrumental in bringing this into force and read Section 43 because the section gives the Commissioner the authority to give the licence. The Member was party to that section and he did not see fit to give the person the opportunity to earn if the Commissioner did not give it in the first place. There is no appeal there, so what is all the hullabaloo about?

We all understand that the taking of a livelihood from any person is a serious matter, that has always been my contention. But in the case of this situation with the taxi drivers, what shall we do with them? Shall we leave them alone to do as they please, to overcharge and to use indecent language to the tourist? We have to be cognizant of what tourism means to the country. The Government, as far as I am concerned, should have acted a long time ago on this matter.

We are not doing anything that is unfair if we pass this Law. We cannot allow a few people to destroy what means so much to so many, and that is the position with the taxi business in this country. I am happy that Government has seen fit to take action today to put some of those unlawful people in that position if they continue what they have been carrying on in these last few years.

I do not agree that we should set up a special Tribunal. I wonder if some people listen to what they say sometimes. They should follow their debate, they seem to follow mine. On the one hand they say that Government is creating too much red tape and on the other hand they are back here suggesting that we do just that, so where is their policy?

I have had to deal with hopscotch policy too often and I cannot agree with it. They ask how is the Commissioner going to determine whether a person is suitable. The Commissioner is going to determine that a person is suitable if the person has conducted himself in a proper manner. Where the person will be unsuitable, according to this amendment Bill, is if the person conducts himself in such a way as to cause annoyance or nuisance to any member of the public or generally to bring himself, the islands or the operation of tourism in the islands into disrepute. That is the key to the issue, that is the operative part, and that is, in my opinion, where the Commissioner will be able to determine who he is dealing with. So I am not going to agree with them.

The phrase has been coined 'crocodile tears'. It is just plain electioneering. This country has been running for four years now and the Members who are complaining have not put alternatives to the people of this country and the people cannot accept what they are saying at this late stage, the eleventh hour.

I support the Bill, Mr. President.

MR. PRESIDENT:

The Honourable the Second Official Member of Executive Council.

HON. RICHARD W. GROUND:

Mr. President, I rise to speak on this Bill just to address two aspects that have been canvassed by many of the Members. The first is the test of suitability and the second is the question of what review the Commissioner's decision would be subject to, if any.

If I might deal first of all with the test of "suitable" as it appears in the amendment and set that in the contexts of the existing Law. The provisions governing taxi drivers are presently contained in Section 43 of the Traffic Law (Revised) and under that section the Commissioner of Police is the licensing authority. It is him who grant licences and it is him who take licences away.

Under the Law as it now stands without amendment, the Commissioner may grant a licence if he is satisfied that an applicant has not been convicted of certain offences during the previous five years, for offences such as drunken driving, fraud, dishonesty and dangerous drugs. But the Commissioner has to be satisfied of something else before he can grant a licence.

He has to be satisfied that the applicant and I am quoting now - "is otherwise a suitable person to be licensed in that behalf" - in other words under the Law as it now stands, the Commissioner has to be satisfied that an applicant is suitable and that is the test laid down. Now that test was not always in the Traffic Law, it was introduced by an amendment. There was a time when the Commissioner could only refuse a licence if he was satisfied that the person applying had been convicted of those offences.

The test of suitability was introduced by the Traffic (Amendment) Law, 1978 and that Law amended Section 43 by inserting the words "that the Commissioner should refuse a licence unless satisfied that the applicant is otherwise a suitable person". I have a copy of that amending Law in my hand. I can only presume and I offer this as an explanation for the drafting of the amending Law that the House, when passing that amending Law back in 1978, was satisfied both as to the propriety of the Commissioner being the licensing authority, but also of the clarity of the test of suitability and the propriety of the Commissioner applying it.

Certainly when we came to draft the present amending Law it was done within the framework of the existing Section 43 and the Draftsman has simply borrowed that test of

suitability and carried it down into the revocation section. Now I would just like to look at the revocation section with the House for a moment.

Under the Law as it now stands, un-amended, the Commissioner may revoke a licence. He has power to do so but he may only do so if he is satisfied that the licensee being the taxi driver, has been convicted of one of those offences which are mentioned as excluding the man from getting a licence in the first place. So if, after getting a licence, he is convicted of one of those offences it can be taken away from him.

The reasoning, as I understand it, behind the amendment which is now proposed, is if the Commissioner has to be satisfied before granting a licence that a person is suitable, then if a person ceases to be suitable just as if a person commits one of those offences, the Commissioner should have the power to take away what he has given because he has granted a licence on the basis of suitability and if that basis falls away, then the right to the licence should fall away. So that is the structure of the amendment and how it fits into the existing Law.

Now if I might just turn to the second point that I said I would deal with and that is, whether the Commissioner, in deciding that issue of suitability is subject to any appeal or any other form of review. It is right first of all that under the Law he is not subject to an expressed appeal. There is nothing in the Traffic Law where it says the Commissioner, when fulfilling his functioning functions as a licensing authority under Section 43 is subject to appeal to the Grand Court or anyone else. That has always been the case.

However, in exercising that function either to grant a licence or more importantly to revoke it, the Commissioner, now if I might so bold as to quote the Second Elected Member from Bodden Town, "the Commissioner is not merely dealing with an administrative matter" because this does touch upon the livelihood of an individual and that principle is something that the Courts have long recognized when dealing with licensing cases. The whole body of the common law has grown up oddly enough in the United Kingdom. It grew up largely around taxi licensing cases which subject the power and the decisions of the licensing authority which in London at least, is the Commissioner of Police for the Metropolis. Subject decisions of the licensing authority to review by the Courts and the Courts assume that jurisdiction because those decisions of the licensing authority are quasi judicial in nature. They require the licensing authority to conduct an investigation and to arrive at a finding which materially effects the rights of the person concerned.

And so the Court has interposed themselves and will look over the shoulder as it were, of the licensing authority and ensure several things. The Courts will ensure that the rules of natural justice are adhered to, in other words, they will make sure that the licensee affected, is given a right of making representations or being heard not necessary in person but of putting forward his arguments to the Licensing Authority.

Secondly, the Courts will ensure that the Licensing Authority correctly applies the Law that it do not take into account extraneous circumstances but that it only takes into account those circumstances which are proper and appropriate, in other words, when considering when someone is suitable to be licensed that the licensing authority would consider only those factors that go to suitability to hold a taxi drivers licence.

If the Court feel that those rules of natural justice or that the application of the Law has not been adhered to or in the case of the Law has been misapplied, the Court can then quash the decision that the Commissioner to revoke the licence and send the matter back for rehearing along the lines which the Court directs. In other words, the Court directs as to what is the correct interpretation of the Law as it applies to the case before it, or as to how the rules of natural justice have been broken or how they should be adhered to and then sends the matter back with the direction that those applications desire, sends the matter back, directs the licensing authority to conduct itself properly in the light of those directions.

So, though there is no right of appeal conferred by the Law, there is always looking over the discharge of the Licensing Authority's functions, the Grand Court, and it is indeed the Grand Court who exercises this supervisory jurisdiction to ensure that the rules of fair play and that the rules of Law are adhered to.

I am only going to limit my remarks to those two areas of this because I think those two are the only technical points which crossed my area.

Thank you.

MR. PRESIDENT:

Does any other Member wish to speak? Would you wish to start now or after the break? In that case we will suspend for 15 minutes.

AT 3:13 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:34 P.M.

MR. PRESIDENT:
Bay.

Proceedings are resumed. The Third Elected Member for West

MRS. DAPHNE L. ORRETT:
Amend The Traffic Law (Revised).

Thank you Mr. President. I rise in support of A Bill For A Law To

It has been said time and time again that the greatest asset which the Cayman Islands possess is the Caymanian people themselves. As we are all aware, this country is one with limited natural resources. We have been blessed to have tourism as one of the main pillars of our economy and with close to 500,000 visitors to the islands over the last year which in turn provided millions of dollars to this country's economy, we have to avoid any semblance of complacency in the area of tourism. Any factor or factors which is seen as having an adverse affect on tourism must not be left unchecked, but rather nipped in the bud as was seen in a piece of legislation which was brought to this Honourable House yesterday and which seeks to prohibit street trading in these islands where hitherto no such trading was customary.

The Bill now before us is by no means intended to cause hardship to the taxi driver or the omnibus driver but rather it is intended to preserve and protect the very source from which he derives his livelihood. The privilege of playing such an important part in the continuing progress of this country should, in itself, provide an impetus for each taxi driver to conduct himself in a most respectable, decent and courteous manner. After all, taxi and omnibus drivers are capable of either promoting these islands as a first class tourist destination or sadly, they could help to kill the goose which lays the golden egg.

As is the case the world over, we do have a few visitors who might be a little miserable upon their arrival here. This may result from many factors not least of which could be a lengthy airline flight, many stop overs, plane delays, cold weather or small children who need rest. There are so many factors which contribute to such an attitude upon a tourist's arrival here, but good common sense, tact, and a bit of patience coupled with a friendly smile should go a long way in preventing what otherwise might be an embarrassing situation.

This country's tourism industry must not be just as good as any other. Our people's ambition should and must be to provide an atmosphere and a service second to none and better than any other anywhere else in the Caribbean or perhaps, anywhere else in the world.

Taxi licences are somewhat different from other drivers licences,

but it is not a licence to be rude, impatient, obnoxious, nor dishonest. It is a licence which must be considered for what it is - a privilege.

Why should a fine law abiding citizen who runs a first class taxi or omnibus service be subjected to embarrassment by the conduct of other taxi or omnibus drivers who conduct themselves in exactly the opposite manner?

Like everything else one is rewarded for doing good and punished for doing the opposite. In this case I do not see why any lesser consideration should be given other than that which is laid down or provided for in this Bill for the punishment of the offender.

What of other persons who are employed in the tourism industry? Are they allowed to carry out their duties with less than acceptable attitude or behavior? In our restaurants, hotels, gift shops, or any other tourist related services, are employees allowed to look after the customer with unkempt clothes, hair needing attention, teeth missing, dirty shoes, slippers full of dust? I could go on or perhaps I may touch upon it even a little bit later, but in the tourism industry we need first class service in every area. This includes the taxi and the omnibus service.

Why should some taxi drivers be allowed to conduct themselves in an irresponsible and careless manner while other go to great lengths to keep their cars clean, change mufflers, provide adequate air-conditioning, and keeping a first class vehicle for his trade? Must others be permitting to do exactly the opposite? After all they get the same pay, after all they all depend on the same trade for their livelihood.

It is not the responsibility of the Commissioner of Police, but that of taxi drivers or omnibus drivers to secure his means of a livelihood. Who is to be blamed if he loses his licence? The guilty party will simply have to look for another means of earning his living. There is no shortage of work in the Cayman Islands, so I do not think that if he loses his taxi licence he will starve. But he may have to do something which causes him to exert a little more energy.

We are not only hearing complaints from the tourist, we are being pressured by the other taxi drivers who do not fall into this disgraceful category and we, as a good Government, must act accordingly.

The few taxi drivers who think that they can do as they wish for just as long as they wish must now realize that they will no longer be allowed to embarrass the other drivers in this trade. After all, they jeopardize not only their own livelihood but the livelihood of many others as well. Such conduct can not be left unchecked I repeat again.

A vast majority of taxi drivers who work in these Islands are please that such legislation is coming into place.

All of us in here are old enough to remember men like the late Mr. Ira Thompson, the late Mr. Claude Hill, and many others, whom it was a pleasure to see look after visitors to this country. We have others like Captain Bush from South Sound, Miss Sunbeam Thompson, Mr. Benny Ross and others who are now retired from the trade but always their customers were treated with the greatest of respect. They were patient and they brought a measure of class to that trade which would make some taxi drivers today appear as if their job is nothing short of one of the lowest categories that there is to be involved in.

The manner in which these fine people conducted themselves, and it bothers me, Mr. President, because I have at times actually had to speak to drivers, when in my involvement in the tourism industry and management of a condo, they would hurry in, drop the luggage outside the door, grab their pay and off they would go and many times not even as much as to ask what must be done with the luggage.

I understand that in this world everyone tries to gain as much as he can and time is of the essence but it takes only a few seconds to say thank you and to show a bit of courtesy and respect for the person who is helping you to make a livelihood.

I salute the many who are in the taxi and omnibus service, who know what it means to treat a tourist right and who do that. I think there are others who know how to but refuse to take the time to do it. Regrettably, there are others who I do not think this is their custom at all. Showing respect and courtesy is something which I think many of them are not use to and we cannot allow nor permit it to take place in these Islands.

I repeat it again, be it a Caymanian or someone of another nationality, he or she must uphold the standards that this island is accustomed to and being a Caymanian or being married to a Caymanian and holding a taxi licence under this particular Bill, will no longer be a licence to do whatever one pleases in the tourism industry.

It is shameful sometimes to see the mode of dress, as I mentioned a while ago, how long does it take to get a decent hair cut? Why should anyone be walking around driving a taxi for months and sometimes years with teeth missing in the front? After all you make a lot of money in this business, one must find time to find the dentist. This is uncalled for. It turns me off and I think it would turn anyone else off who has to see this. Why should anyone be allowed to sit in a taxi while the driver smokes cigarette after cigarette with the windows closed? This should not be permitted. Why should anyone have to drive in a taxi with the music turned up loud? It would not be so bad if it was music with class, but some of what they are listening to is for the birds.

Anyway, what I am trying to say here is that anyone involved in the tourism industry must conduct himself in a courteous manner. He or she must be dressed well. One does not have to wear silk or satin to look good but I tell you what, it will turn anybody off to see someone out there with a shirt that is too small exposing his stomach with a pair of dirty slippers and getting into a car that is maintained in such a poor manner.

I am not sure I may have mentioned this in this House before but I will never forget having a very wealthy guest come to me with a complaint that he was at the airport needing to get his cab to come to the condo. Of course, the next cab in line was the one he was to take. He noticed it was dirty it was filthy and he was wearing a first class business suit. So the man said I would like to take the next cab. He was asked why, and he said I do not want to drive in a vehicle looking like this. He said number one it is loud and it is dirty. The driver said he had to take that cab because it was next in line.

This can turn visitors off from this country and as I mentioned a while ago, there are no excuses about being as good as another tourist destination. We must ensure that we are better than the rest or that we can stand along side any other.

Another embarrassing situation is when guests or visitors get in to a taxi or omnibus. I am not sure that the omnibuses are as guilty of this as a few of the taxi drivers, but they know so little of the history of this country. So when tourists ask questions they know practically nothing of what they are talking about. I think something must be in place that before they get a licence they have to undergo a certain test to prove what they know about this country because I think it is very important. They are ambassadors and they have to prove their worth to get a taxi licence. Just simple questions which a person ought to be able to answer.

I have walk down this street here and seen taxi drivers waiting in the taxi lane for guests. I have seen on a number of occasions a few drivers who are under the influence of liquor and what I am saying is, it was not something that could not be seen. I did not have to get up two inches from them to know this was the case. They were under the influence of alcohol. I do not believe that any taxi driver should be indulging in drinking or using any drug but in particular, drinking which can be seen more readily while he or she is in the business of transporting people around this island.

Following upon their contact with the Airline personnel, Customs and Immigration agents, the taxi driver is usually the next person that the visitor encounters when he visits

this country and it is important that that first impression is a good one.

Indecent language and bad manners have no place anywhere but certainly, not in the tourism industry and it must not be tolerated. These taxi drivers I believe must have posted in their vehicle where the passenger can see it, his picture, the number of his licence or vehicle, and the rates charged. We have situations where we can have from the same destination to the very same destination charges of \$6.00, \$10.00 or \$12.00. Somebody is either checking or the other one is grossly under charging the passenger and I doubt whether there is any under charging taken place.

Not every Tom, Dick and Harry who wants a licence to drive a taxi must get one. I think it is an important arm of tourism in this country and a person must prove himself worthy of being so involved, and, if it is brought to the attention of the Commissioner that such an individual does not meet the criteria set down, then his licence should be revoke. In six months he should at least get his act together if this is the area in which he wants to be involved.

I sat in the Court some weeks ago and heard a young taxi driver pleading with the Magistrate, "Don't take my licence Sir, please do not take my licence. I promise you that I will do something to that engine that I cannot exceed the speed limit anymore.". The Magistrate reminded him that that was four times in as many years that he had come before that Court for speeding. Once he was also under the influence of alcohol. If a licence is taken away for six months I think that individual has time to learn a lesson and I do not think it is unduly long.

The Cayman Islands is not by any means a low priced tourist destination. It is not. It cost money to visit these islands and I consider it only fair that every effort must be made to ensure that those who choose to visit us must receive the best possible product for their money and this must include the provision of a first rate taxi and omnibus service.

For many of our taxi drivers who are courteous, clean, knowledgeable and know how to conduct themselves not only with locals but more importantly with guests deserve that this Legislation be in place.

The Bill before this House seeks to do just that and I repeat that for those who visit our shores we must ensure that they get the best possible product in every area including the taxi and omnibus service. The Bill before this House seeks to do just that and I therefore have great pleasure in supporting a Bill for a Law to amend the Traffic Law (Revised).

Thank you.

MR. PRESIDENT:

Does any other Member wish to speak on this Second Reading? Would the Mover wish to exercise his right of reply? The Honourable the Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL:
and the support given to this Bill.

Mr. President I wish to thank all Members for their contribution

There were three areas that there were objections to and that was suitability, being satisfied and natural justice. The Second Official Member has eloquently dealt with these three matters and I will not try to elaborate on what he has said.

This short Bill is only an interim measure to control the taxi and omnibus operators and enables us to take immediate disciplinary action against them because it is necessary.

A new Traffic Law will soon be brought to this House which would no doubt embody many of the suggestions that will deal more comprehensively with taxi related problems. This small Bill will not take away the livelihood of the good taxi and omnibus operators but rather it will protect them and ensure that they have a job. I think that we owe this to responsible taxi drivers of this country to see that their livelihood is not put in jeopardy by just a handful of people who are a law unto themselves. I think the Bill is necessary. Most Members of the House agree that it is necessary. We have a few differences here which as I said before, the Second Official Member I think has clarified and I thank Members for their support.

MR. CHAIRMAN:

I shall now put the question.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH:

Can we have a Division Sir?

MR. PRESIDENT:

Clerk please.

**DIVISION
NO. 3/88**

AYES: 11

NOES: 1

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Hurlston
- Hon. W. Norman Bodden
- Hon. Capt. Charles L. Kirkconnell
- Hon. Vassel G. Johnson
- Mr. W. McKeeva Bush
- Mrs. Daphne L. Orrett
- Mr. Linford A. Plerson
- Capt. Mabry S. Kirkconnell
- Mr. John B. McLean

Mr. G. Halg Bodden

AGREED BY MAJORITY:

THE TRAFFIC (AMENDMENT) BILL, 1988 GIVEN A SECOND READING.

MR. PRESIDENT:

The Bill passes it's Second Reading.

Continuing with Government Business, the House will now go in to Committee to study a Bill entitled The Currency (Amendment) Bill, 1988 and other Bills.

COMMITTEE ON BILLS

THE CURRENCY (AMENDMENT) BILL, 1988

MR. CHAIRMAN:

The House is now in Committee. With the leave of the House may I assume that as usual, we should authorize the Honourable Second Official Member to correct minor printing and such like in these Bills. Thank you.

Would the Clerk will now state each Bill and read it Clauses.

CLERK: The Currency (Amendment) Bill, 1988.
Clause 1. Short Title.
Clause 2. Amendment of Section 16.

MR. CHAIRMAN: The question is that Clauses 1 and 2 stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. CLAUSES 1 AND 2 PASSED.

CLERK: A Bill for a Law to Amend the Currency Law (Revised).

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.

THE BIRTHS AND DEATHS REGISTRATION (AMENDMENT) BILL, 1988.

CLERK: The Births and Deaths Registration (Amendment) Bill, 1988.
Clause 1. Short Title.
Clause 2. Amendment of Section 55.
Clause 3. Amendment of First Schedule.

MR. CHAIRMAN: The question is that Clauses 1 to 3 stand part of the Bill, if there is no debate I will put the question.

QUESTION PUT: AGREED.

CLERK: A Bill for A Law to Amend The Birth and Death Registration Law, 1978.

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.

THE TOURIST ACCOMMODATION TAXATION (AMENDMENT) BILL, 1988.

CLERK: The Tourist Accommodation Taxation (Amendment) Bill, 1988.
Clause 1. Short Title.
Clause 2. Amendment of Section 2.
Clause 3. Amendment of Section 5.
Clause 4. Amendment of Section 7.
Clause 5. Substitution of Section 9.

MR. CHAIRMAN: We may perhaps be taking these a little quickly but would any Member who wishes to intervene please do so.
The question is that Clauses 1 to 5 do stand part of the Bill, if there is no debate I will put the question.

QUESTION PUT: AGREED.

CLERK: A Bill for a Law to Amend The Tourist Accommodation Taxation Law (Revised).

MR. CHAIRMAN: The question is that the Title do stand part of the Bill, if there be no debate I will put the question.

QUESTION PUT: AGREED.

THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1988.

CLERK: The Caymanian Protection (Amendment) Bill, 1988.
Clause 1. Short Title.
Clause 2. Amendment of Section 23.

MR. CHAIRMAN: Before I put the question may I assume that the matter which was brought up during the Second Reading has been cleared?

HON. RICHARD W. GROUND: I have not discussed it with the Member Mr. Chairman but I have looked into it again. I myself am happy with the amendment in respect to the point that was raised.

MR. CHAIRMAN: Thank you.
The question is that Clauses 1 and 2 stand part of the Bill, if there is no debate I will put the question.

QUESTION PUT: AGREED.

CLERK: A Bill for a Law to Amend The Caymanian Protection Law, 1984.

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.

THE PENAL CODE (AMENDMENT) BILL, 1988.

CLERK: The Penal Code (Amendment) Bill, 1988.
Clause 1. Short Title.
Clause 2. Insertion of new Section 150(A).

MR. CHAIRMAN: The question is that Clauses 1 and 2 stand part of the Bill, if there is no debate I will put the question.

QUESTION PUT: AGREED.

CLERK: A Bill for a Law to Amend The Penal Code.

MR. CHAIRMAN: The question is that the Title do stand part of the Bill, there be no debate I will put the question.

QUESTION PUT: AGREED.

THE ROADS (AMENDMENT) BILL, 1988.

CLERK: The Roads (Amendment) Bill, 1988.
Clause 1. Short Title and Construction.
Clause 2. Amendment of Section 2 of the principal Law.

MR. CHAIRMAN: The question is that Clause 1 and 2 do stand part of the Bill, if there is no debate I will put the question.

QUESTION PUT: AGREED.

CLERK: Clause 3. Repeal and Replacement of Section 3 of the principal Law.
Clause 4. Insertion of New Section 5 in the principal Law.

MR. CHAIRMAN: The question is that Clause 3 and 4 do stand part of the Bill, if there is no debate I will put the question.

QUESTION PUT: AGREED.

CLERK: Clause 5. Amendment of Section 6 of the principal Law.
Clause 6. Amendment of Section 7 of the principal Law.

MR. CHAIRMAN: The question is that Clauses 5 and 6 do stand part of the Bill, if there is no debate I will put the question.

QUESTION PUT: AGREED.

CLERK: Clause 7. Repeal and Replacement of Sections 8, 9, 10, 11 and 12 of the principal Law.

MR. CHAIRMAN: The question is that Clause 7 do stand part of the Bill, if there is no debate I shall put the question.

QUESTION PUT: AGREED.

CLERK: Clause 8. Amendment of Section 14 of the principal Law.

AMENDMENT TO THE ROADS (AMENDMENT) BILL, 1988

MR. CHAIRMAN: Notice has been given of an amendment by the Member in charge of the Bill. Would he care to speak?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman in accordance with the provisions of Standing Order 52(1) and 52(2), I beg to move that the Bill be amended by inserting into paragraph (b) of Clause 8 "on such terms" between the words "adjacent lands" and "in such a manner" where they appear in paragraph (a) of the proposed new subsection 4 of Section 14 of the principal Law. Mr. Chairman, that can be found in subsection 4(a) in the sixth line; after "such adjacent lands" insert "on such terms". This was erroneously left out when the Bill was printed, it was actually there left out so we are just adding it back.

MR. CHAIRMAN: The question is that the amendment do stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED.

CLERK: Clause 8 as amended.

MR. CHAIRMAN: The question is that Clause 8, as amended, do stand part of the Bill. If there is no debate I shall put the question.

QUESTION PUT: AGREED.

CLERK: Clause 9. Amendment of Section 15 of the principal Law.
Clause 10. Amendment of Section 16 of the principal Law.

MR. CHAIRMAN: The question is that Clause 9 and 10 do stand part of the Bill, if there is no debate I shall put the question.

QUESTION PUT: AGREED.

CLERK: Clause 11. Amendment of Section 17 of the principal Law.
Clause 12. Amendment of Section 18 of the principal Law.
Clause 13. Amendment of Section 21 of the principal Law.
Clause 14. Repeal of Section 22 and addition of new Sections and Schedules to the principal Law.

MR. CHAIRMAN: The question is that Clauses 11 to 14 do stand part of the Bill. If there is no debate I shall put the question.

QUESTION PUT: AGREED.

CLERK: A Bill for a Law to Amend The Roads Law 1974.

MR. CHAIRMAN:
no debate I shall put the question.

The question is that the Title do stand part of the Bill. If there is

QUESTION PUT: AGREED.

THE TRAFFIC (AMENDMENT) LAW, 1988.

CLERK: The Traffic (Amendment) Bill, 1988.
Clause 1. Short Title.

MR. CHAIRMAN:
no debate I will put the question.

The question is that Clause 1 do stand part of the Bill. If there is

QUESTION PUT: AGREED.

MR. CHAIRMAN: We will have a little legal arrangement to make on the exact wording of your proposals. I think perhaps it might be the way to do it if you would introduce your amendments. They can be discussed and then we can formulate them if appropriate. Would that be all right?

The Papers before Members record that leave was given to the Elected Member for East End to move these amendments without notice.

AMENDMENT TO THE TRAFFIC (AMENDMENT) BILL, 1988

MR. JOHN B. McLEAN: Mr. Chairman, in accordance with Standing Order 52(2) and your permission I beg to move the following amendments to the present Bill by the addition of an additional Clause that; in accordance with the provision of Standing Order 52(8) a new Clause be added to the Bill to allow for an appeal to Executive in the event a licence is suspended and (2) that the Bill also incorporate the words to the effect that in granting a licence the Commissioner shall be satisfied that the applicant has reasonable knowledge of the history of the Islands.

As you have said, Sir, I was hoping that the Attorney General will assist me in the proper wording of this motion.

MR. CHAIRMAN: I wonder, could I intervene? This is always the problem with 'no notice amendments' that there has not been time to get it formulated properly. Would it be acceptable if when you introduce your amendments they are discussed and then they could be voted upon provisional to correct legal formulation if the intention of the amendments is accepted? Would that be acceptable to Members or do you think we should formulate it specifically first?

HON. VASSEL G. JOHNSON: Mr. Chairman I think that the propose amendments should be dealt in separate parts and that the first part of it be debated first because I doubt very much that the Government bench is going to support proposal No. 1.

MR. CHAIRMAN: In that case perhaps we could discuss this as a proposal in the terms that it is subject to and if it is passed it will be put into correct legal form. In other words, we would have to, at a later Committee of the House, and I think I am right, approve the correct form.

HON. RICHARD W. GROUND: Yes, Mr. Chairman, I think if it is passed the Committee would have to be adjourned for it to be then drafted and come back so the Member could see that it meets his requirements and what was accepted by the House. But certainly, debating it in principle first, I raise no objection to that to see where the hand lies. On both of these points though as the Member said, they should be taken separately.

MR. CHAIRMAN: In that case would the Member like to take the first proposal please?

MR. JOHN B. McLEAN: Yes, Mr. Chairman, I am wondering if perhaps I should not then ask for two additional Clauses to the Bill instead of one and that the extra Clauses be numbered 1 and 2?

MR. CHAIRMAN: I think, subject to the Attorney General's advice, that is probably what it would come to. But would you for the moment like to introduce your first proposal then we will discuss that and vote on it in principle and then do the same thing for the second proposal?

MR. JOHN B. McLEAN: Mr. Chairman, the first additional Clause would be that in accordance with the provisions of Standing Order 52(8) a new Clause be added to the Bill to allow for an appeal to the Executive Council in the event that a licence is suspended.

Mr. Chairman, when I spoke on the Bill earlier I explained exactly my feelings on this. I believe that it would be better for both parties concerned if we take the full onus from the Commissioner of Police and it would also give the party concerned a chance to appeal. I know it has been said that there is an opportunity to appeal to the Court. This may be true but we have to look at it. It could be very costly to the individual and my opinion is that it would be easier for an appeal to Executive Council.

MR. G. HAIG BODDEN: Mr. Chairman, I would like to say that I support the motion with regards to having an appeal. I think it is very necessary to have it since the Second Official Member pointed out what I had said that the actual taking of a taxi licence is more than an administrative act because in effect, it takes a livelihood from the person. And, while he mentioned that normally there can be an appeal, it is very costly and very difficult for the small man when the individual licence is taken to get an appeal to the court where the Law does not make a specific provision.

I support the suggestion with an appeal to Executive Council so that the Law would give the taxi driver a right of appeal to Executive Council if the licence should be taken. I am willing to discuss the other part when we come to it as well.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, we feel that natural justice will be done without having to add this Clause to the Bill whereby the appeals come to Executive Council. I think the Second Official Member already expressed this that nothing will stop a taxi or omnibus operator from appealing against a decision of the Commissioner of Police to either revoke or suspend a driver's licence. We do not feel that this should be a function of Executive Council.

HON. RICHARD W. GROUND: I should just like to say Mr. Chairman, that I do not want to be misunderstood on what I had explain to the House.

The procedure provides for a review by the Grand Court to make sure that there has been no procedural or legal errors. It would be wrong to describe that process as an

appeal because that confuses the issue. It is an application for a review to check against errors and to check against procedural and proprieties.

MR. G. HAIG BODDEN: Mr. Chairman, if I can add here, there are many precedents in the Law for it. For example, a person can appeal against the decision for a licence for a gun, or that of a licence for a gainful occupation. There is no end of precedents in the Law whereby Laws make specific provision and I feel that in this particular case, with regards to the suspension or revocation there should be a specific clause to make it abundantly clear that Executive Council will entertain and appeal. If this is not there the person would have the hardship of getting the right to appeal which would increase the burden on the person and I see no harm in having justice opened to the aggrieved person.

HON. W. NORMAN BODDEN: Mr. Chairman, could I ask the Second Official Member maybe through you, under the existing Traffic Law in Section 43(1) and (2) where the Commissioner of Police already holds power to grant a taxi licence or to revoke a licence, is there provision for appeal to this presently in the Traffic Law to Executive Council?

HON. RICHARD W. GROUND: No, Mr. Chairman, there is not. There is no provision at the moment for an appeal.

MR. G. HAIG BODDEN: Mr. Chairman, perhaps the Second Official Member can point out that revocation under that section is contingent upon the person having been convicted of an offence while in this amendment, the person does not have to be convicted of an offence to have their licence taken. Is that correct?

HON. RICHARD W. GROUND: I am sure I do not need to point it out the Member has done so himself quite adequately.

MR. G. HAIG BODDEN: I think the Member had pointed it out but I do not believe the Member that just spoke understood that.

HON. W. NORMAN BODDEN: I understood that portion of it, Sir, but we are also dealing with the grant of a taxi licence and the Commissioner is the Licensing Authority. For example, if an applicant feels that he has not been treated fairly by the Commissioner of Police in applying for a licence, there is no provision under the existing Law for the applicant to appeal to Executive Council in that matter.

HON. RICHARD W. GROUND: That is correct.

HON. VASSEL G. JOHNSON: Mr. Chairman, I did not debate the Bill before us but after listening to so much said about taxi driver's ill behavior towards visitors, then it seems to me that there should be some deterrent in the Law to keep taxi drivers alert at all times of their responsibility to behave themselves and to be the sort of taxi drivers that we want them to be. If you make things easy for them they are still going to carry on that sort of behavior, and perhaps you might not achieve the sort of things that you hope to in this particular Bill. I think that the facilities are there now for taxi drivers to have the recourse that they want to question the Commissioner's action to deprive them of a licence. In light of this, I cannot support the proposed amendment, Mr. Chairman.

MR. JOHN B. McLEAN: Mr. Chairman, just a follow-up to what the Member just said. I, in no way, intend trying to make anything easy for the taxi driver who misbehaves. I am just trying to, as was mentioned in the case of a gun licence, regardless or not if the individual gets the licence back he does have that right of appeal to Executive Council. I am not going to press this issue I am just making a point and I think my point has been made.

MR. CHAIRMAN: We are coming very close indeed. We are at 4:30 p.m. would Members be agreeable to have this amendment put to the question and then we will resume the House?

MR. W. McKEEVA BUSH: Mr. Chairman if Members are going to vote on this amendment then I would like to say something.

MR. CHAIRMAN: In that case I will suspend the Committee then because otherwise we will have to go up and down and I really think as we are going to have to go on to the second proposal we might as well I think suspend is the correct term is it?

MR. LINFORD A. PIERSON: Mr. Chairman, is it possible that we could get additional time to finish this particular matter before the House? It would seem to me that we should be able to finish this within the next 20 - 30 minutes. It is partly finished now.

MR. CHAIRMAN: I am in the hands of the House but experience tells me that is not very likely.

MR. JOHN B. McLEAN: Mr. Chairman, I did move the Motion and I am satisfied not to press it any further so unless somebody else wants to prolong the debate I would not. It would take us probably another 10 or 15 minutes to complete the whole thing.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman I think we should try to finish this.

MR. CHAIRMAN: I am very willing to do that in that case the Committee is suspended.

COMMITTEE SUSPENDED AT 4:32

HOUSE RESUMES

MR. PRESIDENT: The House has resumed.
Please be seated.

SUSPENSION OF STANDING ORDER 10(2)

HON. THOMAS C. JEFFERSON: Mr. Chairman, in order to complete the business at hand, I move the suspension of Standing Order 10(2) under Standing Order 83 so that this House may finish it's

deliberation.

MR. CHAIRMAN: The question is that Standing Orders be suspended in order that the House may finish the business presently in Committee.

QUESTION PUT: AGREED.

MR. CHAIRMAN: The House will go again into Committee.

COMMITTEE RESUMED

MR. CHAIRMAN: In that case should we now take the vote on the amendment for your first proposal? I will phrase this in the following way.

The question is that the Bill be amended by the provision of a new Clause to provide for an appeal to the Executive Council in the event of a licence being suspended by the Commissioner of Police. Is that satisfactorily clear?

I am sorry, would you wish to speak? I do beg your pardon. We now have ample time, my fault, please go ahead.

MR. W. McKEEVA BUSH: Mr. Chairman briefly, I cannot support the request for the amendment to the Clause. I feel that we have to make these people know that we mean business and if they see that they can be running every time to a politician and say, "Look, the Commissioner refused my licence, I am going to appeal it. I want you to help me". No, Mr. Chairman, we need to put some teeth into this thing and let some of these taxi people who misbehave so often, know that we mean business. So, I will not be supporting that particular amendment.

MR. CHAIRMAN: My apologies again for getting ahead of things. May I take it that the proposed amendment as I read first time is acceptable in its terms?

QUESTION PUT: AYES AND NOES

HON. THOMAS C. JEFFERSON: My apologies Mr. Chairman.

MR. CHAIRMAN: I am wondering who is going to say no in that case.

MR. JOHN B. McLEAN: Mr. Chairman, the Members know they should support me on it so that is why they made the slight slipup.

MR. G. HAIG BODDEN: I think it was carried unanimously, Sir.

MR. CHAIRMAN: I have no idea what the proceedings are for this. I imagine somebody should move that the Standing Order be suspended in order to take it again. Are Members prepared to agree that an error was made?

HON. THOMAS C. JEFFERSON: Mr. Chairman I think we should call for a Division, Sir.

MR. CHAIRMAN: I have said would those in favour please say, Aye, and would those against please say, no. Members cannot say both. I am sorry.

MR. LINFORD A. PIERSON: Can I have a Division Mr. Chairman?

MR. CHAIRMAN: We will now take the Division, I am sorry, it is the only way to deal with it.

MR. JOHN B. McLEAN: It will be a Division or I have the right to vote again.

DIVISION NO. 4/88

AYES: 2
Mr. G. Haig Bodden
Mr. John B. McLean

NOES: 10
Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. W. Norman Bodden
Hon. Capt. Charles Kirkconnell
Hon. Vassell Johnson
Mr. W. McKeeva Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell

MR. CHAIRMAN: The first amendment is lost, after some confusion. Would the Member like now to speak the second proposal?

MR. JOHN B. McLEAN: Yes Mr. Chairman. My second motion would be that in accordance with provisions of Standing Order 52(8) the Bill also incorporate the words to the effect that in granting a licence the Commissioner shall be satisfied that the applicant has reasonable knowledge of the history of the Islands.

Again Mr. Chairman, I did speak on this a few moments ago so there is nothing more to say. I think it is self explanatory and I am hoping that all Members will see fit to support it because, as I have said before, I consider this very important when an individual is going to deal with tourists to our islands they should be capable of telling them at least the history of the Island. I would therefore ask other Members to support me on it.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman I think we agree with this Amendment.

MR. W. McKEEVA BUSH: Mr. Chairman I wonder if someone could answer me why the

history? Are they taking history to mean also current situation, current events or what? When they say history are they taking it to really mean the history? Because I find situations where they do not even know where the districts exist.

MR. CHAIRMAN: I am not quite sure how wide the Mover wishes to draw this. Perhaps the history in circumstances of the islands.

HON. W. NORMAN BODDEN: I think Mr. Chairman it describes my interpretation at least, 'reasonable knowledge' would cover the extent to which a person would be expected to know some history of the islands.

MR. CHAIRMAN: Does the Member mean reasonable knowledge of the islands is sufficient?

MR. JOHN B. McLEAN: That is correct Sir. When I worded it here I meant only that they should be able to answer sensible questions if they were asked, "Where is East End? Where is West Bay?" and things of that nature, I did not really want to go too far into it.

HON. W. NORMAN BODDEN: I think maybe the Member could deal with general knowledge of the island to a certain extent and tone it down a bit but.....

HON. VESSEL G. JOHNSON: I think 'reasonable knowledge of the island' is quite sufficient.

MR. W. McKEEVA BUSH: I am not toning it down, Sir, I just want to make certain that we are just not talking about history as I understand history to be. History is really things of the past, I am talking about things current. I am just trying to be careful that we are not making it too easy because I think we really need to do something in this area.

MRS. DAPHNE L. ORRETT: Mr. Chairman, my interpretation of this is that history can go as far back as whenever you want it to, even yesterday is now history.

MR. CHAIRMAN: Sorry who was that speaking? I missed that.

MR. LINFORD A. PIERSON: Mr. Chairman, I support this proposed amendment, and I think regardless of how it is worded perhaps if there is a question as to whether the words "knowledge of the history of the islands" should be used, then perhaps we could delete "of the history" and put "has reasonable knowledge of the islands". That, in my view, would cover all history events plus present events regarding the islands. But, regardless of how this is done Sir, I feel that the taxi drivers should have knowledge of the islands, this is most important.

Most other islands that you go to even less well off than the Cayman Islands you find the taxi drivers are fairly knowledgeable of their country. I feel that this should be a requirement under the Law and this would seem to be an appropriate time to make that amendment.

MR. W. McKEEVA: Maybe we should take out the word "reasonable" and leave the words "the Commissioner shall be satisfied that the applicant has knowledge of the history of the island".

MR. JOHN B. McLEAN: Mr. Chairman, at the bottom of the paper circulated it did state that the Attorney General would word the amendment in what would be considered legal term, so I guess we could leave it to him rather than wasting some time on it.

HON. RICHARD W. GROUND: Mr. Chairman, I do not want something to be left to me if there is a dispute as to the principle. It would seem to me from the suggestion that the expression "has a reasonable knowledge of the islands" covers everything. It covers history, it covers present Government, it covers geography, customs the lot and it would also seem to me that if we insert that in the original Law after the word "applicant" so that it reads, "the Commissioner shall be satisfied that the applicant has a reasonable knowledge of the islands and is otherwise a suitable person" that that would meet the concern expressed by all Members.

MR. CHAIRMAN: Is that generally acceptable? It will mean that the Attorney General will have to come back when we are in Committee again with the exact wording.

HON. VASSEL G. JOHNSON: The wording sounds all right to me, Sir.

HON. CAPT. CHARLES L. KIRKCONNELL: The wording sounds fine, Sir.

MR. CHAIRMAN: I think it places quite a burden on the Commissioner of Police. I can see written examination on all sorts of things perhaps coming over the horizon but then there we are.

MR. JOHN B. McLEAN: Mr. Chairman, that may be true but I think also with the ordinary licences one has to do a written examination and to me this one is much more important than an ordinary licence, so regardless of whether we have to do a written examination or not, I think we should do it.

I am satisfied with the wording that the Attorney General gave us a while ago.

MR. CHAIRMAN: Good. In that case should I will put the question, I will word it something like this: The question is that the Bill be amended to include a Clause or be amended in order to have the effect that in granting a licence the Commissioner shall be satisfied that the applicant has reasonable knowledge of the islands."

This you will vote on in principle and the proper terminology will follow at a later Meeting.

QUESTION PUT: AGREED.

CLERK: Clause 2. Amendment of Section 43 of the Traffic Law (Revised).

HON. VASSEL G. JOHNSON: As amended.

MR. CHAIRMAN: We are not in fact, going to complete this Committee stage of this Bill but we will complete Clause 2 and then there will be a further amendment.

The question is that Clause 2. do stand part of the Bill, if there is no debate I will put the question.

QUESTION PUT: AGREED.

MR. CHAIRMAN: I shall now adjourn the Committee so that we have not completed proceeding on this Bill in Committee.

HON. THOMAS C. JEFFERSON: So that we will return and vote on the Amended Clause 2.

MR. CHAIRMAN: That concludes proceeding in Committee on a Bill entitled the Penal Code (Amendment) Law and certain other Bills.
The House will now resume.

COMMITTEE SUSPENDED AT 4:49

HOUSE RESUMED

MR. PRESIDENT: Proceedings are now resumed.
Please be seated. I think perhaps we all need some training courses in procedures.
Would the Honourable First Official Member move the adjournment.

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 4:51 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. WEDNESDAY, 20TH APRIL, 1988.

MR. PRESIDENT: The House stands adjourned accordingly.

**SECOND MEETING OF THE 1988 SESSION
OF THE CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**WEDNESDAY, 20TH APRIL, 1988
(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 W NORMAN BODDEN, OBE	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
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

APOLOGIES

HON BENSON O EBANKS, OBE	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
---------------------------------	--

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

**SECOND MEETING OF THE 1988 SESSION OF THE
LEGISLATIVE ASSEMBLY**

**WEDNESDAY, 20TH APRIL, 1988
(THIRD DAY)**

1. PRAYERS

To be read by the Third Elected Member for West Bay.

2. PRESENTATION OF PAPERS AND REPORTS

- (1) **REPORT OF THE STANDING FINANCE COMMITTEE**
(Meeting held 31st March, 1988).

To be laid on the Table by the Honourable First Official Member, Chairman of the Standing Finance Committee.

- (2) **FINANCIAL STATEMENTS OF PORT AUTHORITY OF THE CAYMAN ISLANDS - YEARS ENDED 31ST DECEMBER, 1987 AND 1986.**

To be laid on the Table by the Honourable Third Elected Member of Executive Council.

3. GOVERNMENT BUSINESS

BILLS:

COMMITTEE ON BILLS

- (1) **The Traffic (Amendment) Bill, 1988**
- CONTINUATION THEREON

REPORTS THEREON

- (2) **The Currency (Amendment) Bill, 1988**
(3) **The Births and Deaths Registration (Amendment) Bill, 1988**
(4) **The Tourist Accommodation (Taxation) (Amendment) Bill, 1988**
(5) **The Caymanian Protection (Amendment) Bill, 1988**
(6) **The Penal Code (Amendment) Bill, 1988**
(7) **The Roads (Amendment) Bill, 1988**
(8) **The Traffic (Amendment) Bill, 1988**

THIRD READINGS

- (9) **The Currency (Amendment) Bill, 1988**
(10) **The Births and Deaths Registration (Amendment) Bill, 1988**
(11) **The Tourist Accommodation (Taxation) (Amendment) Bill, 1988**
(12) **The Caymanian Protection (Amendment) Bill, 1988**
(13) **The Penal Code (Amendment) Bill, 1988**
(14) **The Roads (Amendment) Bill, 1988**
(15) **The Traffic (Amendment) Bill, 1988**

4. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:

**PRIVATE MEMBER'S MOTION NO. 3/88
CREATION OF 'NO-DIVE ZONES'**

To be moved by the Elected Member for North Side.
to be Seconded by the Second Elected Member for West Bay.

5. ADJOURNMENT

To be moved by the Honourable First Official Member, Leader of
Government Business.

TABLE OF CONTENTS

	PAGE
Prayers	1
Presentation of Papers and Reports	
Report of the Standing Finance Committee (meeting held on 31st March, 1988)	1
Financial Statements of the Port Authority of the Cayman Islands - years ended 31st December, 1987 - 1986	1
Government Business	
Bills:	
The Traffic (Amendment) Bill, 1988 - Committee thereon	1
Reports on Bills	
The Currency (Amendment) Bill, 1988	2
The Births and Deaths Registration (Amendment) Bill, 1988	2
The Tourism Accommodation (Taxation) (Amendment) Bill, 1988	2
The Caymanian Protection (Amendment) Bill, 1988	2
The Penal Code (Amendment) Bill, 1988	2
The Roads (Amendment) Bill, 1988	2
The Traffic (Amendment) Bill, 1988	2
Third Readings	
The Currency (Amendment) Bill, 1988	3
The Births and Deaths Registration (Amendment) Bill, 1988	3
The Tourism Accommodation (Taxation) (Amendment) Bill, 1988	3
The Caymanian Protection (Amendment) Bill, 1988	3
The Penal Code (Amendment) Bill, 1988	3
The Roads (Amendment) Bill, 1988	3
The Traffic (Amendment) Bill, 1988	3
Private Members' Motions	
Private Member's Motion No. 3/88 Re: No Dive Zones	
Mr. D. Ezzard Miller	4
Hon. Vassel G. Johnson	4
Mr. G. Haig Bodden	5
Mrs. Daphne L. Orrett	6 - 7
Capt. Mabry S. Kirkconnell	7
Hon W. Norman Bodden	7
Mr. John B. McLean	8 - 10
Adjournment	10

WEDNESDAY

20TH APRIL, 1988

10:09 A.M.

MR. PRESIDENT:

Prayers.
The Elected Member for North Side.

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 the light of His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT:

Honourable the First Official Member.

The proceedings of the Assembly are resumed. Papers - the

PRESENTATION OF PAPERS AND REPORTS

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 on its meeting held on 31st March, 1988.

MR. PRESIDENT:

So ordered.

HON. THOMAS C. JEFFERSON:

Mr. President that meeting approved a total Supplementary Expenditure of C\$1,015,000. \$800,000 was approved to enable the commencement of immediate action projects under the Master Ground Transportation Plan, namely, the road at Owen Roberts Drive and Dorsey Drive, Eastern Avenue and West Bay Road, Mary Street and Harbour Drive, Eastern Avenue and Shedden Road and a school access road from Walkers Road.

\$200,000 dollars was also added to the Road Vote for additional capital road works in the district of West Bay, and \$15,000 dollars was approved for the North Side playing field to provide for the installation of lights on that field.

The Committee also approved the following:-

George Town Road works:

Unanimously approved that traffic lights be installed at the Elgin Avenue/Crewe Road intersection, the costing of which shall be provided by the Chief Engineer of the Public Works Department.

Thank you Mr. President.

MR. PRESIDENT:

Council.

Papers - The Honourable Third Elected Member of Executive

FINANCIAL STATEMENTS OF THE PORT AUTHORITY OF THE CAYMAN ISLANDS - YEARS ENDED 31ST DECEMBER, 1987 AND 1986.

HON. CAPT. CHARLES L. KIRKCONNELL:

House the Financial Statement ended December 31st, 1986 and 1987.

Mr. President I beg to lay on the Table of this Honourable House the Financial Statement of the Port Authority of the Cayman Islands for the years

MR. PRESIDENT:

So ordered.

GOVERNMENT BUSINESS

MR. PRESIDENT:

We move to the third item on the Order Paper - Government Business Bills in Committee. The House will now go in to a Committee to continue its study of a Bill entitled The Traffic (Amendment) Bill, 1988.

HOUSE IN COMMITTEE

THE TRAFFIC (AMENDMENT) BILL, 1988

MR. CHAIRMAN:

Honourable Members when we adjourned yesterday we were awaiting the formal Draft of the new Clause to this Bill from the Second Official Member. I believe it is now in front of all Members. If that is the case would the Member who moved it now formally move?

MR. JOHN B. McLEAN:

Yes Mr. Chairman. I formally move the amendment to The Traffic (Amendment) Bill, 1988 in accordance with the provisions of Standing Order 52(1) that the Bill be

amended by adding a new Clause 3 as follows:- "Subsection 43. The principal Law be further amended by inserting "and has a reasonable knowledge of the islands" after the word "behalf" where it appears in the sixteenth line of subsection 1."

CLERK: Clause 3. Amendment of Section 43 of the principal Law.

MR. CHAIRMAN: Under Standing Order 52(8) that Amendment is taken to have been read the first time. I will now put the question that the Clause, as read out, be read a second time.

QUESTION PUT: AGREED.

MR. CHAIRMAN: If there is no further debate on this Amendment. I will now put the question that this Clause be added to the Bill as Clause No. 3.

QUESTION PUT: AGREED.

CLERK: A Bill for a Law to Amend The Traffic Law (Revised).

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.

MR. CHAIRMAN: That concludes proceedings in Committee on a Bill entitled A Bill for a Law to Amend The Traffic Law (Revised) and other Bills. The House will now resumed.

HOUSE RESUMED

MR. PRESIDENT: Continuing Item 3 of Government Business - Bills, Reports.

REPORTS ON BILLS

THE CURRENCY (AMENDMENT) BILL, 1988

HON. THOMAS C. JEFFERSON: Mr. President I have to report that a Bill entitled The Currency (Amendment) Bill, 1988 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 BIRTHS AND DEATHS REGISTRATION (AMENDMENT) BILL, 1988

HON. THOMAS C. JEFFERSON: Mr. President I have to report that a Bill entitled The Births and Deaths Registration (Amendment) Bill, 1988 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 TOURISM ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1988

HON. THOMAS C. JEFFERSON: Mr. President I have to report that a Bill entitled The Tourism Accommodation (Taxation) (Amendment) Bill, 1988 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, 1988

HON. J. LEMUEL HURLSTON: Mr. President I have to report that a Bill entitled The Caymanian Protection (Amendment) Bill, 1988 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, 1988

HON. RICHARD W. GROUND: Mr. President I have to report that a Bill shortly entitled The Penal Code (Amendment) Bill, 1988 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 ROAD (AMENDMENT) BILL, 1988

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President I have to report that a Bill entitled The Road (Amendment) Bill, 1988 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 TRAFFIC (AMENDMENT) BILL, 1988

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President I have to report that a Bill entitled The Traffic (Amendment) Bill, 1988 was passed with one amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

MR. PRESIDENT: Bills - Third Readings.

THIRD READINGS

THE CURRENCY (AMENDMENT) BILL, 1988

CLERK: The Currency (Amendment) Bill, 1988.

HON. THOMAS C. JEFFERSON: Mr. President I move that a Bill entitled The Currency (Amendment) Bill, 1988 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled The Currency (Amendment) Bill, 1988 be given a third reading and do passed.

QUESTION PUT: AGREED.

**THE BIRTHS AND DEATHS REGISTRATION
(AMENDMENT) BILL, 1988**

CLERK: The Births and Deaths Registration (Amendment) Bill, 1988.

HON. THOMAS C. JEFFERSON: Mr. President I move that a Bill entitled The Births and Deaths Registration (Amendment) Bill, 1988 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled The Births and Deaths Registration (Amendment) Bill, 1988 be given a Third Reading and do passed.

QUESTION PUT: AGREED.

**THE TOURISM ACCOMMODATION (TAXATION)
(AMENDMENT) BILL, 1988**

CLERK: The Tourism Accommodation (Taxation) (Amendment) Bill, 1988.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill entitled The Tourism Accommodation (Taxation) (Amendment) Bill, 1988 be given a third reading and passed.

MR. PRESIDENT: The question is that a Bill entitled The Tourism Accommodation (Taxation) (Amendment) Bill, 1988 be given a Third Reading and do passed.

QUESTION PUT: AGREED.

THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1988

CLERK: The Caymanian Protection (Amendment) Bill, 1988.

HON. J. LEMUEL HURLSTON: Mr. President, I move that a Bill entitled The Caymanian Protection (Amendment) Bill, 1988 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled The Cayman Protection (Amendment) Bill, 1988 be given a third reading and do passed.

QUESTION PUT: AGREED.

THE PENAL CODE (AMENDMENT) BILL, 1988

CLERK: The Penal Code (Amendment) Bill, 1988.

HON. RICHARD W. GROUND: Mr. President I beg to move that a Bill for a Law to amend The Penal Code entitled The Penal Code (Amendment) Bill, 1988 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled The Penal Code (Amendment) Bill, 1988 be given a Third Reading and do passed.

QUESTION PUT: AGREED.

THE ROADS (AMENDMENT) BILL, 1988

CLERK: The Roads (Amendment) Bill, 1988.

HON. CAPT. CHARLES KIRKCONNELL: Mr. President I move that a Bill entitled The Roads (Amendment) Bill, 1988 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled The Roads (Amendment) Bill, 1988 be given a Third Reading and do passed.

QUESTION PUT: AGREED.

THE TRAFFIC (AMENDMENT) BILL, 1988

CLERK: The Traffic (Amendment) Bill, 1988.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President I move that a Bill entitled The Traffic (Amendment) Bill, 1988 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled the Traffic (Amendment) Bill, 1988 be given a Third Reading and passed.

QUESTION PUT: AYES AND NOES

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

**DIVISION
NO. 5/88**

AYES: 11

Hon. Thomas Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. 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. John B. McLean

NOES: 1

Mr. G. Haig Bodden

MR. PRESIDENT:

The Bill has passed its Third Reading accordingly.

Honourable Members will have noticed that we have a revised Order Paper. We will move to Item 4 on it - Other Business: Private Members' Motions - Motion No. 3/88. The Elected Member for North Side please.

OTHER BUSINESS

PRIVATE MEMBER'S MOTION NO. 3/88

"NO DIVE ZONES"

MR. D. EZZARD MILLER:
3/88 which reads as follows:-

Mr. President I beg to move Private Member's Motion No.

"WHEREAS Government has protected the marine environment and the safety of divers through the Marine Conservation Law and other Laws;

AND WHEREAS fishermen in the Cayman Islands have accepted restrictions in regard to certain traditional areas and practices under these Laws without recourse;

BE IT THEREFORE RESOLVED that Government create a fourth zone under the Marine Conservation Law, 'No Dive Zone' where no scuba diving will be allowed."

MR. W. McKEEVA BUSH:

Mr. President I beg to second the Motion.

MR. PRESIDENT:

Private Member's Motion No. 3 of 1988 has been duly moved and seconded. Would the Mover wish to speak to it?

MR. D. EZZARD MILLER:

Thank you Sir.

Mr. President Private Member's Motion No. 3 is straight forward. It is regrettable that this step has had to be taken on my part because the people in my constituency have tried to resolve this matter without legislation, that is, by an agreement with the dive operators and in particular the live-aboard dive boat operators who operate in that area.

We had two public meetings at which the two parties came together and we thought we had resolved the situation. Unfortunately, the dive operators, knowing that none of this agreement was enshrined in any legislation and therefore Government had no authority on which to enforce it, simply ignored the gentleman's agreement that had been struck and continued to disrupt the fishermen in particular, during this time of year in the snapper season. In fact, they have been anchored there almost everyday for the last couple of weeks.

The Motion seeks a straightforward amendment to the Marine Parks Regulations 1986 of the Marine Conservation Law, 1978 in that, we are asking for a specific amendment to Section 3 of those regulations. For clarity Section 3 reads:-

"For the purposes of determining what restrictions shall apply to areas designated as marine parks there shall be three categories of marine parks namely;

- (a) Replenishment Zones
- (b) Marine Park Zones; and
- (c) Environmental Zones."

What I am asking Government to do is to create a fourth zone called a 'No Dive Zone' in which no scuba diving will be allowed at any time. The boundaries of these two area that I refer to in North Side, the coordinates of which have been prepared from early last year, submitted to the Portfolio and distributed to the dive operators, the President of the Watersports Association and everybody else.

So everybody who should be involved or affected by this amendment knows where the two areas are and there will have to be some other consequential amendments to these regulations to identify these two zones and add them to the map. What we are seeking is that these two zones be enshrined in these legislations and no scuba diving be allowed in these areas.

Thank you, Sir.

MR. PRESIDENT:
Council.

The Honourable the Fourth Elected Member of Executive

HON. VASSEL G. JOHNSON:

Mr. President, Honourable Members I rise to support Private Members's Motion No. 3 of 1988. The Motion, is requesting Government to deal with the Marine Conservation Law Regulations so as to provide a fourth zone in the Marine Parks Regulation which would be termed 'No Dive Zones'. This is to satisfy fishermen who have been complaining that dive boats are mobilising all the areas in certain districts for their own purposes.

Now, all of us here are quite aware that the diving industry in these Islands is a most significant part of tourism and of course, because of this and as the Motion has rightly stated, fishermen in these Islands have accepted restrictions in regard to certain traditional areas used for fishing. They have accepted these restrictions without recourse.

Now the situation in North Side erupted last year when dive boats and largely what is known as live-a-boards started using all the sites in North Side that traditionally offered good shallow water fishing, and so the fishermen were without any place to go and fish. This, of course, annoyed them and I think rightly so because they too expect a piece of the pie.

No one organisation in these Islands can utilise all of the facilities available around because what has been traditional in these Islands has got to remain traditional to some extent. This is why the National Trust was created to preserve some of Cayman's heritage. Fishing here is a heritage.

Mr. President, the dive boats persisted in North Side in spite of the fact that the Portfolio, along with the Member for North Side, organised meetings, inviting the dive boat operators to attend, sat around the table, discussed the issue and came to some gentlemanly agreement of what would be used by fishermen and what would be used by the dive boat operators. I am not sure what happened, but the dive boat operators suddenly went back on their own words and started using the fishing sites that they agreed on. So what was thought to be an amicable arrangement between the dive boat operators and the fishermen was no longer so. We have reached a situation where only legislation could rectify the matter.

We had a good look at the whole thing and we in Government were quite satisfied that the case put forward by the North Side fishermen was something we could have accepted. As a result of that Government went forward to have the Legal Department do an amendment to the Regulations, that is still with the Legal Department and I am sure that in the very near future those Regulations will be approved and will be put into operation.

The Regulation will not be just for the North Side situation, it will apply equally in any other districts where this problem arose and if the dive boat operators are not prepared to go along with these amicable arrangements then unfortunately the Law will have to speak, will have to intervene and will have to establish 'No Dive Zones' wherever they are needed.

Mr. President, the Member for North Side is quite aware of Government's action but because the Regulations have not yet been formulated, published and put into operation, we agreed that the Motion could come forward and be aired here in this Honourable House, because it is a message that should go out from here to organisations like the dive boats operators and others as a lesson that no one organisation can mobilise any of the facilities in these Islands. It belongs to the natives as well as to other people. It belongs to the individual as well as to organisations and so the earlier that message is accepted the better off we will be.

I support the Motion, Mr. President.

MR. PRESIDENT:

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, undoubtedly there has been a problem with divers. What amazes me is that if the Government knew, as the Member has just told us it knew, that they did not take the steps to rectify whatever problem existed.

I will not support any Motion which calls upon the present Government to make any changes in the Conservation Law because for the last three years or better we have seen a confused Government producing inconsistent policies until they are so mixed up they no longer know what is what. If we take a look at some of the things they have done, we could really have a laugh.

They banned the use of spear guns for most of the Island, yet allow spear guns to be used in the North Sound. The one area where we should not use a spear gun. They have stopped the little boy from throwing out his fishing line in certain areas and certainly the little boy could do no harm. Yet they are willing to allow the wholesale destruction of breeding habitat of all marine life in these Islands.

I do not know if they had him, but the Second Elected Member in George Town before he became a Member was out breaking his back planting Oleander trees along the Airport, now the Government allows the cutting down of the mangroves.

MR. PRESIDENT:

Thank you.
I must invite the Member to stick to the terms of the Motion.

MR. G. HAIG BODDEN:

Okay, I am just pointing out, Sir, the inconsistent policies which prevent my supporting the Motion.

MR. PRESIDENT:

I think you can do that in principle but I would advise you not to go into considerable detail.

MR. G. HAIG BODDEN:

Finally, and I will sit down when I give this one, they have allowed the Member for North Side to persuade them to removed the sand from the beach ridge in North Side.

MR. PRESIDENT:

Does any other Member wish to speak? The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, I am in complete agreement with the Motion. All of us value what the diving industry means to our economy, but I have held the contention that we cannot allow them to mobilise the whole of the ocean and this is exactly what they have been trying to do. They have been moving, in a very subtle manner, trying to take over and even when one sits down and discusses with them intelligently and they promise that they will cooperate, they still go back and do exactly as they have been doing.

So in this instance, the Elected Member of North Side found the problem and he did exactly that. He had discussions with them and they went and opted out of what they had promised. But the Member was doing his job and he is only now still doing his job, but I can understand the opposition to the Motion from the Member who just spoke. He has headed all Conservation list in his time in Government, he has made very broad statements about conservation. I know we can get some extremes, but the Member should be careful because he knows what some of his statements did to the Turtle Farm already.

MR. G. HAIG BODDEN:

Mr. President, on a Point of Order. I think the Member is trying to impute character. He has consistently, in this House, used untrue statements which he cannot backup when he speaks about certain matters concerning me, and I am not going to put up with it, Sir. No statement of mine harmed the Turtle Farm. He is to...

MR. PRESIDENT:

...Sorry, I am ruling on your Point of Order, you are entitled to make the Point of Order quite properly. I think the Member might have been about to impute your conduct

but he did not quite, I would hope that we can avoid that.

MR. W. McKEEVA BUSH: Mr. President, if one does something that causes people to take action, if one says something that causes people to take action and that action resulted in a favourable manner, it is my opinion....

MR. PRESIDENT: I am sorry, I do not want a debate on a Point of Order, please continue with your speech.

MR. W. McKEEVA BUSH: No, I am continuing, I am not debating the Point of Order, Sir.

MR. PRESIDENT: It sound very much like it to me. Please continue.

MR. W. McKEEVA BUSH: No, Sir, I am not debating the Point of Order. I am still holding on to my opinion that the Member when he said that the conservationist were cockeyed. I maintain that that went down bad with the conservationist in the United States therefore...

MR. G. HAIG BODDEN: Mr. President, just on one point.

MR. PRESIDENT: Sorry, I want to rule.

MR. G. HAIG BODDEN: The statement he is referring to was made in this House after the ban had been imposed. He is not telling the truth, Sir, he has consistently told untruths concerning me.

MR. PRESIDENT: I think we have now flogged this point sufficiently. The Turtle Farm is not directly relevant to this Motion. As I ruled earlier for the Member who spoke before you, points of principle can certainly be illustrated but I do not think it appropriate to go into great detail. We are debating proposals on 'No Dive Zones'.

MR. W. McKEEVA BUSH: Mr. President, I quite agree with you. I was referring, which I am entitled to do, to the Member's mention of Government's conservation policy. I believe that I could go on all morning on that part of the debate, but to keep the House calm and collective I will not carry on because what I have said is true. And I will have a lot of room in the next several months to prove it. The Hansard proves it!

Mr. President, I too did not agree with all of the Government's conservation policies, but I tried to do something about them. I did not wait until an election year to make all this hullabaloo that we hear going on. I attended the meetings, I did my work for my salary that some of the Members did not do.

Mr. President, I did not support everything in their Conservation Policy and I maintain some of it was not correct. I still hold that opinion. But now we have found a problem and this is what one calls good Government. When Government finds a problem, even though they were a party to that problem, they are trying to rectify it. And, this country could have been in a better position during this administration if that Member and his Government had followed the same policy of rectifying when they found their mistakes.

The Member said that the Government had stopped little boys from throwing out their lines. Mr. President, they have the audacity to talk about untrue statements. That Member constantly went on public platforms and in this House and said this and it is not true.

MR. G. HAIG BODDEN: For the record I said, 'throw out his line in certain areas', he leaves that off of it.

MR. W. McKEEVA BUSH: Which areas, Mr. President?

MR. PRESIDENT: No, I am sorry, we cannot have a debate on the question. The Member has explained that when he clarified his statement. You are now entitled to pursue that.

MR. W. McKEEVA BUSH: Any little boy, Mr. President, can throw out his line. The Member knows that. Anywhere from the coast line of this country can be fishing. Any part, from the iron shore or from the beach and the Member knows that. That is why we would not point out that.

Anyway, this Motion is good. The Government has found out that the people that they were trying to protect in the first instance are not what they seem to be. They would take everything in this country for themselves.

Tomorrow morning, Mr. President, I will be a little more prepared to deal with them and the Member too if he so desires. I support the Motion.

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

MRS. DAPHNE L. ORRETT: Thank you, Mr. President.
Mr. President, I rise in support of Private Member's Motion No. 3 of 1988 - Creation of 'No Dive Zones'.

Mr. President, only yesterday and the day before we discussed Bills in this Honourable House which, on the one hand, focuses on the long standing traditions of our people while on the other hand, we took into serious consideration the importance of tourism to these Islands.

The Marine Conservation Laws of this country are also meant to conserve for future generations what we, of today, have been privileged to enjoy in the waters surrounding these Islands. In particular, to offer to the tourists and the diving industry a beautiful underwater world for which they pay to come here.

I supported the Marine Conservation Law. I saw that it was highly necessary. We had, from time to time, received complaints and I guess in particular from the Member for North Side that what had come about as a gentleman's agreement between the fishermen and the divers was perhaps something which was not being upheld.

The Caymanian people, for the most part, are easy to get along with. I think they try very hard to please the visitors in many respects. That is just our way of life. I hope that we would not see any changes in that area.

One must face it, for years a person could fish in any part of these waters he or she wished. There were no restrictions but life goes on, progress takes place and a Government has to live with the times while at the same time looking at the future and what we are going to leave for our children.

This particular Motion before us is seeking to put in place a

little bit more precisely for the fisherman what we sought to do for the diver in the Marine Conservation Law. The diving industry in the country has mushroomed almost overnight and that takes some time for Caymanians to get use to as far as the fishermen are concerned. I think we have to congratulate them for trying to work within the bounds of the Marine Conservation Law in the manner in which they have done. When it comes to the site that have been designated for fishing only, I think the diving industry has to face up to it that they must now keep their part of the bargain.

This Law is seeking for a 'No Dive Zone' area in certain parts of the waters around these Islands. I do not find any difficulty in supporting that, Mr. President. Tourism is good but when one really thinks of it, it is the people of this country that we must bear foremost in our minds. So whatever takes place in this country, the bottom line is - what effect does it have on the Caymanian people?

I think that we have a good Law in the Marine Conservation Law and I call upon the diving industry to realise that they do not own every inch and square foot of the waters surrounding these Islands. And, while we are here to support them and to do everything possible to ensure that the tourism industry in this country is better than any other in the Caribbean area, or as I said yesterday perhaps in the world, they are not to forget that the fisherman has equal rights in this country. I would hope with those few short remarks that I might have been able to get across a few points here.

No Law in this country is carved in stone where changes cannot be made here and there. Certain regulations will have to be made as time goes on, and I see this particular Motion simply trying to correct a problem, to nip it in the bud before it gets out of hand. I feel sure that the diving industry will cooperate. Certainly, the Caymanian fishermen realise that we have his interest equally at heart.

I support the Bill before us. Thank you.

MR. PRESIDENT:

The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL:
3 of 1988 - Creation of 'No Dive Zones'.

Mr. President, I rise to support Private Member's Motion No.

I would like to congratulate the Elected Member for North Side, not only for bringing this Motion but for his efforts in trying to settle grievances that existed in his district.

I feel the establishment of 'No Dive Zones' will be a protection for divers, not necessarily something that will restrict them. I think it will be beneficial. I would also like to congratulate the Fourth Elected Member of Executive Council for his speech in accepting this Motion.

The Marine Conservation Bill, when it was being circulated, was a very difficult Bill to convince the people. I congratulate the Portfolio for the way they presented it in the districts at many meetings convincing the people of the benefits and the necessity for the Marine Conservation Law which has been accepted by the people. I feel this will also be accepted but I would like to ask him that in considering the 'No Dive Zones' in all the districts, if district meetings can again be held, which would give the local residents in that district an opportunity to decide where they feel the 'No Dive Zones' should be established.

I think that this administration is capable of seeing when a Bill or a Law needs to be amended, is willing to take steps to amend and correct anything that does not suit the needs of our people and they are to be congratulated. This has been an open administration. I think everyone listening to me should appreciate that it has been an open Government and it has certainly provided beneficial legislation which help people in all categories.

I say again that I do not feel that this 'No Dive Zone' should be taken by the watersports industry as being restrictions on them. I think it is protecting them, letting everyone of us know the rights and wrongs, giving us an opportunity to be safe to fish and to dive in the zones where the two will not conflict.

the Motion.

So with these words, Mr. President, I give my full support to

MR. PRESIDENT:

The Honourable the Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN:

Mr. President, in the development process of our country we often speak today of creating and maintaining the proper balance, a balance which is tailored to suit Cayman's needs. Balance in the environment, balance in our labour force, balance in our population mix and so on. I whole heartedly support these policies because they are sensible and sound policies aimed at developing these Cayman Islands in an orderly fashion.

In our development, I believe that one area should not be allowed to dominate the other and it is my view that this Motion seeks to strike a meaningful balance between our divers and our fishermen.

Now, Mr. President, I fully recognise and support the valuable and substantial contribution that the dive market and dive operators make to our tourism industry. I do not believe that this Government could be accused of being unmindful of the importance of tourism to our country. Much of the time of this Honourable House, at this specific meeting, has been used in dealing with what some people might perhaps think and consider as small items, but important items, things that have a direct bearing on the quality of our product when we deal with taxi drivers, taxi licences and street widening. These are all important items that have a bearing on tourism. I believe that this matter before the House, Private Members's Motion No. 3 of 1988, is equally important.

We estimate that divers account for 35 to 40 per cent of our visitors. If this estimate is correct it would mean that in 1987 we welcomed almost 200,000 divers to our Islands. A very large number, Mr. President. The value of our underwater attractions in these Islands must be preserved and it is an undisputable fact that this Government has taken every precautionary measure to protect them through the Marine Conservation Law.

On the other hand, I believe that while we recognise the importance of the dive market and the role that the dive operators play in our tourism development, the fishermen also have their rights which must be recognised and respected. Both must have a place in our community both have a role to play in this country.

To my mind, there is no reason why dive operators and fishermen cannot exist side by side in harmony, which after all, is typical of the Caymanian spirit, just as long as those areas are identified and the rights of each are respected. I have no difficulty in supporting this Motion once this is done within reason and that the needs and requirements of both sides are fully taken into consideration.

Now I realise that all of this might sound good spoken, that much of this will appear good in theory but nevertheless the success of this will depend on the close cooperation between both sides, both the fishermen and the divers, and if that cooperation is not forthcoming then naturally the enforcement of the Law will have to come into play.

With those few remarks, Mr. President, I support Private Member's Motion No. 3/88.

MR. PRESIDENT:

The Elected Member for East End.

MR. JOHN B. McLEAN:

Mr. President, I have no problem supporting Private Member's Motion No. 3/88 - for the Creation of 'No Dive Zones'.

I believe the time has come when we should take steps to protect our fishermen. I know the importance of the dive operation to the tourist industry, but at the same time those involved in the dive operations must realise that our fishermen must also live.

One Member mentioned, a while ago, that they were hopeful that the dive operators did not take this Motion in the wrong way. Mr. President, I am not worried about that. I believe that every one in the dive operation should understand that our fishermen are human too. They are our people. They have their families. They have their commitments. Therefore they must live the same as the dive operators.

Asking for 'No Dive Zones' is no different than what has been created for the dive operators. Perhaps at the time it was done for them it should have been done for fishermen, but anyway it is never too late to do good.

I have had numerous complaints about the behavior of some dive operations and I believe that this is the right avenue we are taking to try and have it corrected. I believe that the same way our fishermen had to be circumspect to what was done under the Marine Conservation Law, the dive operators will have to do likewise.

I support the Motion and I hope and trust that Government will take immediate action to put it in place.

MR. PRESIDENT:

wish to exercise his right to reply?

Does any other Member wish to speak? Would the Mover

MR. D. EZZARD MILLER:

Yes, Mr. President, and unfortunately I will have to crave the indulgence of the Chair to do what I do not normally do. And that is, to waver outside the subject of debate because of certain innuendoes which were implied and certain matters which were raised by the Second Elected Member for Bodden Town in his wondering. But I believe that in his meandering I have to answer the points that he raised.

First of all let me thank all those Members who supported the Motion and Government for accepting it and who already have began the process of putting the necessary regulations in place.

Now, the Second Elected Member from Bodden Town asked a question; If Government knew about it why did they not do something about it? But, unlike that Member who might spend his time going to country music shows or driving around in other districts, when problems arise in my constituency I try to resolve them as amicably as possible.

I know he is living in a wilderness and does not know what is going on in the country, because had he been reading the Caymanian Compass, certainly he would have been aware that this problem existed, and that Government, including myself, was in an ongoing process to resolve it. The Compass even had a cartoon of me as Moses dividing the waters, and if he did not read anything else I am sure he read that cartoon.

When the matter first came to light in my district, I contacted the people in the dive industry and the people in my district who are fishermen, who earn their living from fishing. I contacted the Portfolio and ask them to send representatives from their Portfolio, and in particular, the Marine Enforcement Officer.

We had a meeting and all these people including the President of the Watersports Association, Mr. Ron Kipp, was invited. The operators of the M.V. Aggressor sent their delegate and we sat in the North Side Town Hall for about two hours when we resolved that two specific areas would be left for the fishermen. Those two areas were from Driftwood Village to the Chisholm's grocery store and from Coburn Miller's house to Old Robin Point or in the area where my house is.

Mr. President, we were being fair to the dive industry. These were not popular dive sites, neither of these two areas. They are not even beautiful dive sites. There are many areas in North Side like the north wall, the donut hole and other places which are located outside these two zones which the dive industry freely uses. The reason why the fishermen needed these two areas was because they traditionally fished them, and more importantly they were in close proximity to channels which offered safety to the fishermen in the small boats.

Now I know the Second Elected Member from Bodden Town cannot bait a hook, so he would not understand the importance of having a channel to come through the reef when weather makes down. But when you are out there in a small boat, anybody who lives on that side of the Island, often call the windward side of the island, squalls can make down in a matter of minutes and those fishermen do not have any radars in their aluminum dinghies. The only radars they have is the side of their cheek to feel the cool breezes, the change in the temperature of the wind, because we are talking about dark-night fishing. They need those two areas to be able to get inside the protection of the reef and both parties agreed.

The next week I got a phone call from the local partner of the Aggressor dive boat that they were sorry they could not honour it because the man that they sent had no authority to agree, so I bent over backward. I then set up another meeting and invited him and his other partner to attend. The meeting was held, they attended and we agreed on these two specific areas. We even narrowed one area to please them and it worked well for a couple of weeks.

But now with the snapper season in North Side people want to go fishing on the dark moon to catch more snappers. When they are out there in that dive boat Sir, they turn on all the lights in that boat, they light up the water for a quarter mile away. The fishermen have to obey the Port Authority Regulations which say they cannot go within two hundred yards of a dive boat. When they anchor that dive boat where they anchor it at the moment it is not two hundred yards in the direction of the channel but I do not expect the Second Elected Member from Bodden Town to know that either.

Now, Sir, he has brought before this Assembly once again, what they have been spreading around North Side and other parts of this district in their porch-talk and their bar room politics, and that is that Government has allowed me to remove a beach ridge in Cayman Kai to create a public beach. He has got the guts to suggest that when other people quote him they are misquoting him. That project has the approval of the Central Planning Authority.

I know when he went there at 12 o'clock in the day he had on his dark shades, so I do not expect him to know whether there is a beach ridge there or not, because I know when he went, I know where he walked, I know how far he walked, I know how long he was there. But the difference about that project, Mr. President is that it is not going to be like the Thomas Russell Beach in Bodden Town, where the tourist had to run because the thatch hut was falling down on them, where the beach ridge was removed, and is now covered with burr grass and rocks strung along the beach and erosion is created because they went out in the sea and dug. I wonder if planning permission was obtained for that.

It is a disgraceful site. I would be ashamed to have such a facility in my district named after a Governor of these Islands and call it a public beach. When that project that he claims I removed sand from is finished, it is going to be the best public beach facility in this country, because

that thatch hut is not going to be made out of any two by two poles. It is going to be made out of Caymanian iron wood with candle wood rafters, and the only thing that would ever have to be renewed on that is the thatch leaves which might rot every five or ten years,

Mr. President, what he should get up in this Assembly and tell people is that his cohort, the former Member for North Side, dug three feet out of the grave yard to fill in his back yard to plant orange trees (which he is now putting his picture in the paper that the trees are bearing so good). They should bear because the soil has plenty of calcium from dead bodies in it. That is what he should be telling the people.

Sand in North Side, that is a long history Sir. I grew up in that district I know what went on. I know when his cohort, the one that he purports to support, knocked off the men from Public Works at 3 o'clock in the evening and they spent the other two hours backing sand for his and his brother's back yard.

There is such a thing as the straw that breaks the camel's back, and I apologize if I shouted or got a little bit carried away but the facts are facts. I am going to invite the Member, I am inviting him now publicly, I will send him a written invitation when it is finished to come up there on a Sunday afternoon, tie up his hammock onto those iron wood poles and rock and enjoy the cool clean breezes of North Side. That he cannot do on the public beach in his district because those iron wood poles are not going to give, I can promise him that. He can tie up any hammock he wants on to them, they are not going to give.

Mr. President, to get back to the matter at hand. The Member said that he could not support the Motion because it was only adding to the confusion of Government's inconsistent policies and he went on to say that Government allows people to use spear guns in certain areas. For that Member's edification, because I am beginning to be convinced that that Member spends too much time reading these books about quotations, rather than reading legislation and prior legislation in which Motions like this appear, instead of looking for some fancy quotation by some author in some far land to try and authenticate and impress people in his verbatious contributions to this debate, he should be reading legislation which is ancillary to or to which the thing bears, because for his edification I am going to feed him on what the Marine Conservation Law says about spear guns.

There is a section of the regulation which was amended, that says one has to have a licence for a spear gun. No one is supposed to have a spear gun in this country unless one has a licence for it, that is a fact. Now he says that the Government, for which I am a part, allowed them to use them in the North Sound. That is partly true. There are certain areas of the North Sound where they can be allowed. But his implication was that one could use them where little boys could not fishing from the shore.

In the Marine Conservation (Marine Parks) Regulations, 1986, the following are prohibited in Replenishment Zones:-

- (a) the taking of conch and Lobster;
- (b) the use of spear guns, fish traps and fish nets of all kinds. Spear guns cannot be used in a Replenishment Zone,

Marine Park Zones Subject to Sub-regulation 2 and 3, the following are prohibited in any Marine Parks Zones. The taking of any form of marine life by any means."

That includes spear guns in marine parks. One can not use spear guns in marine parks.

- "Environmental Zones: (6) The following are prohibited in the taking of any form of life by any means."

That includes spear guns. But unless the area around the island falls in one of those three zones a spear gun can be used, providing one has a licence for it.

Now, in moving this Motion in my opening remarks I made it quite clear that it was unfortunate and I regretted having to take this step. But when I spend a year working with people, I received not one gentleman's agreement but two gentlemen's agreement and the people paid me no mind. I have no choice but to lay the authority in law, and that is all I am doing today.

Mr. President, let no one have any misunderstanding. I have no bones with anybody in the Watersports Association. I do not care whether they like this or not, because when I go to the trouble to set up to two meetings, and take the time to write the President of the Association about a problem that the people he is suppose to be representing are creating in my constituency and he does not have the decency to show up to either of them, I have no apologies to make to him, because he looks like he is in how the present Hotel Association is, in a perpetual election. He is in there to serve forever and ever, but that is going to come to an end too.

It is obvious that the fishermen are not the people who have been destroying our marine environment. The dive industry came here and found the best marine environment in the world and there was a hundred times more fishes when the dive industry started in this country than there is today.

You can talk to anyone in my district and he will tell you that the replenishment zones, the marine parks, like the one by Cayman Kai, is working. They support it and they are glad to see the increase in marine life - conchs, lobsters, fish and whatever; but they also have to be protected from these grab-all dive boats and that is what this is all about.

Mr. President, once again I thank Members for their support and I look forward to the enforcement of this thing. If I really had it in for the dive industry, Sir, there is suppose to be no willful damaging of coral and it has always been my policy that if I can do something I do not ask somebody else to do it, if I ask somebody else to do it, I go along with them. I do not ask somebody to do something that I would not do.

When we first had this problem I invited the Scientific Officer from the Natural Resources Department to dive these sites, and one of the divemasters at Rum Point quite generously provided us with transportation. We dove the site where the Aggressor was anchored, and they had a rope and chain tied around a coral head, that is how they were keeping the boat from rocking to keep them from getting sea sick. They had a bow anchor which was planted in the sand, but they had the stern of the boat tied with the chain's eye around a coral head. Now had I been out to really take them apart, as far as I am concerned, that is willful destruction of coral and the boat should have been seized but we were, at that time, trying to negotiate an amicable settlement.

Now what I invite the Second Elected Member from Bodden Town to do for once in his last four years do his job, go talk to the fishermen in his constituency who come to me and ask me if I can help them get a channel; Ask them what areas they think in Bodden Town should be 'No Dive Zones', take the two areas to the Deputy Director of the Port Authority or some other person who is capable of working out the coordinates and submit them to Government and have 'no dive zones' created for his fishermen in Bodden Town.

I thank you, Mr. President.

MR. PRESIDENT:
3/88.

I shall now put the question on Private Member's Motion No.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN:

May I have a division, Mr. President?

MR. PRESIDENT:

Clerk, please.

DIVISION
NO. 6/88

AYES: 10

NOES: 2

Hon. Thomas C Jefferson
Hon. Richard W. Ground
Hon. Lemuel Hurlston
Hon. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Mr. W. McKeever Bush
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller
Mr. John B. McLean

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

MR. PRESIDENT:

The Motion is passed accordingly.
The Honourable the First Official Member.

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 o'clock tomorrow morning.

MR. PRESIDENT:

a.m. tomorrow morning.

The question is that this House do stand adjourned until 10

QUESTION PUT: AGREED:

AT 11:38 A.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.
THURSDAY, 21ST APRIL, 1988.

MR. PRESIDENT:

The House stands adjourned accordingly.

**SECOND MEETING OF THE 1988 SESSION
OF THE CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**THURSDAY, 21ST APRIL, 1988
(FOURTH 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, OBE	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 1988 SESSION OF THE
LEGISLATIVE ASSEMBLY

THURSDAY, 21ST APRIL, 1988
(FOURTH DAY)

1. PRAYERS

To be read by the Honourable Fourth Elected Member of Executive Council.

2. 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. 10: Would the Honourable Member say:

- (a) What was the Government's surplus revenue on 31st October, 1984;
- (b) What were the general reserves on 31st October, 1984;
- (c) What were the charges/set-offs against the reserves as of 31st October, 1984;
- (d) What was the Government's overdraft at Barclays Bank PLC as at 31st October, 1984;
and
- (e) Taking the foregoing into account, what was the Government's Treasury net financial
position as at 31st October, 1984?

No. 11: Would the Honourable Member state:

- (a) What is the amount of general reserves and surplus as of 31st March, 1988;
- (b) What are the charges/set-offs presently against the reserves; and
- (c) What was the surplus revenue for 1987?

3. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:

PRIVATE MEMBER'S MOTION NO. 2/88
USE OF SAND-BAR

To be moved by the Second Elected Member for West Bay.
to be seconded by the Elected Member for North Side.

4. GOVERNMENT BUSINESS

BILLS:

FIRST AND SECOND READINGS

- (1) The Misuse of Drugs (Amendment) Bill, 1988

COMMITTEE THEREON

- (2) The Misuse of Drugs (Amendment) Bill, 1988

REPORT THEREON

- (3) The Misuse of Drugs (Amendment) Bill, 1988

5. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:

(1) **Private Member's Motion No. 4/88**

Appointment of Select Committee
to consider conditions and to find
solutions for Islands' problems

To be moved by the First Elected Member for Bodden Town.
To be seconded by the Second Elected Member for Bodden Town.

(2) **Private Member's Motion No. 5/88**

Appointment of Select Committee to find
solutions for the schools and medical
systems' problems

To be moved by the First Elected Member for Bodden Town.
To be seconded by the Second Elected Member for Bodden Town.

(3) **Private Member's Motion No. 6/88**

Appointment of Select Committee to consider
methods for curtailing Government's
borrowings and spending

To be moved by the First Elected Member for Bodden Town.
To be seconded by the Second Elected Member for Bodden Town.

6. Adjournment

To be moved by the Honourable First Official Member, Leader of Government Business.

TABLE OF CONTENTS

	PAGE
Prayers	1
Questions to Honourable Members	
Questions No. 10 and 11 deferred	1
Private Member's Motions	
Private Member's Motion No. 2/88 Use of Sand-Bar	
Mr. W. Mckeeva Bush	1
Hon. Vassel G. Johnson	4
Mrs. Daphne L. Orrett	4 - 5
Hon. Benson O. Ebanks	5 - 6
Mr. D. Ezzard Miller	6
Mr. James M. Bodden	6 - 7
Mr. Linford A. Pierson	7
Mr. W. Mckeeva Bush	
Private Member's Motion No. 4/88 Appointment of Select Committee to consider conditlons and to find solutions for the Islands Social Problems	
Mr. James M. Bodden	10 - 15
Hon. Benson O. Ebanks	15 - 20
Adjournment	20

THURSDAY
21ST APRIL, 1988

10:15 A.M.

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:

Proceeding of the House are resumed.

Before we start perhaps I might, on behalf of the House, welcome the young people here and to say how every good it is to see them.

Questions - The Honourable the First Official Member.

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. 10: Would the Honourable Member say:

- (a) What was the Government's Surplus Revenue on 31st October, 1984;
- (b) What were the General Reserves on 31st October, 1984;
- (c) What were the charges/setoffs against the Reserves as of 31st October, 1984;
- (d) What was the Government's overdraft at Barclays Bank PLC as at 31st October, 1984; and
- (e) Taking the foregoing into account, what was the Government's Treasury net financial position as at 31st October, 1984?

NO. 11: Would the Honourable Member state:

- (a) What is the amount of General Reserves and Surplus as of 31st March, 1988;
- (b) What are the charges/setoffs presently against the Reserves; and
- (c) What was the Surplus Revenue for 1987?

HON. THOMAS C. JEFFERSON:

Mr. President I beg to ask that my questions be deferred until tomorrow.

MR. PRESIDENT:

That is acceptable to the House. Thank you.

Second Elected Member for West Bay.

In that case we move to Item 3. Private Member's Motions. The

OTHER BUSINESS

PRIVATE MEMBER'S MOTION NO. 2/88
USE OF SAND-BAR

MR. W. McKEEVA BUSH:

Mr. President I beg to move Private Member's Motion No. 2 of 1988 standing in my name, which reads as follows:-

Mr. President I beg to move Private Member's Motion No. 2 of

HON. BENSON O. EBANKS:

Mr. President..

MR. PRESIDENT:

Sorry I did not catch that.

HON. BENSON O. EBANKS:

I am rising on a Point of Order, Sir.

MR. PRESIDENT:

Please go ahead.

HON. BENSON O. EBANKS:

It does not refer to the Honourable Member speaking, but I am referring to the Order Paper for the day, and I notice that Private Member's Motions are separated. I refer to Standing Order 14 (1) where it is clearly stated the order in which the business of the House is to be set down and it reads:

- (a) Prayers
- (b) Administration of Oaths or affirmation.
- (c) Reading by the Presiding Officer of messages and announcements.
- (d) Presentation of Petitions.
- (e) Presentation of Papers and of Reports Select and Standing Committees by laying them on the table.
- (f) Questions to Members.
- (g) Statement by members of the Government.
- (h) Personal Explanations.
- (i) Obituary and other Ceremonial Speeches.
- (j) Raising of Matters of Privilege.
- (k) Other Business - (i) Motions, (ii) Bills.
- (l) Government Business - (i) Bills (ii) Motions."

Sub Order (2) states:

"On all days other than Thursdays Government Business shall have precedence over Private Members Business."

Sub Order (3)

"On Thursdays Private Member's Notices of Motions shall have precedence of the Order Papers to be followed by Private Member's Bills and then to be followed by Government Business."

The Order Paper separates Private Member's Motions by introducing today's Government Business, the First and Second Reading on The Misuse of Drugs (Amendment) Bill, 1988, and then the Committee and the Report, and it is followed by Other Business Private Member's Motions and there are three of those. My submission is, Mr. President, that this Order of Business must be rearranged so as to put Private Member's Motions No. 4/88, No. 5/88, and No. 6/88 to follow No. 2/88.

MR. PRESIDENT:

Thank you.

I think that perhaps there was a presumption on the part of the Business Committee that there would be a Motion to suspend Standing Orders to provide for this proposed order of business on our Order Paper for today.

May I take it that such a Motion will not be put, and if it is not put, then the Order Paper will be ordered in the manner described by the First Elected Member.

HON. THOMAS C. JEFFERSON:

Mr. President it was my intention to move a Motion to suspend Standing Orders so that the three Motions being referred to by the Honourable First Elected Member could be taken later.

We were approached yesterday by the Moyer of those three Bills asking that he be allowed not to bring those this morning because he wanted to attend the Court where his son was being charged. In an effort to assist him, which I try to do with all Members, I, together with the Clerk of the Legislative Assembly, arranged the paper in that way.

MR. G. HAIG BODDEN:

Mr. President I would just ask your permission to say a few words since I am seconding those Motions, and was privy to the fact that the President had been approached to make this arrangement.

MR. PRESIDENT:

Business Committee not the President.

Sorry I must, if I may, correct you. This is a matter for the

MR. G. HAIG BODDEN:

Yes, Sir, I know but I just want to say that there is nothing unusual about the Order Paper today. There is precedence for it and if you care you can look it up.

A few meetings ago, which might have been before your time, we dealt with Private Member's Motions on a Tuesday morning because the Member for Tourism had to go away and one of those Motions I believe involved his Portfolio. We dealt with Private Member's Motions on a Tuesday morning.

The House was not even notified until we came here on Tuesday morning and found it on the Order Paper, so the Business Committee has done nothing wrong, the President has done nothing wrong. It is the will of the Business Committee or yourself as President, we can arrange our business in any order despite any Standing Orders because there is provision for the waiver of those orders when necessary.

MR. PRESIDENT:

There is a need for a Motion being passed for suspension.

HON. BENSON O. EBANKS:

That is the point I am going to make, Mr. President. The Business Committee cannot waive that Standing Order, it can only be waived on a substantive order in this House and if it is wished to have that done then put the Motion and let us see what happens.

MR. PRESIDENT:

As always, the Chair is in the hands of the House, if there is no Motion we shall follow the agenda in accordance with Standing Orders.

The Second Elected Member for West Bay would you please proceed with moving your Motion?

MR. W. McKEEVA BUSH:
my name reads:

Mr. President, Private Member's Motion No. 2/88 standing in

"WHEREAS the sand-bar in the North Sound has been used by everyone over the years;

AND WHEREAS the diving industry are making attempts to regulate and control the use of the sand-bar;

BE IT THEREFORE RESOLVED THAT Government take steps to preserve

Council.

HON. VASSEL G. JOHNSON:

Mr. President, Honourable Members, I rise to speak on Private Member's Motion No. 2/88 dealing with the sand bar in the North Sound.

Mr. President, during the planning stages of the marine park zones, the Committee and the Marine Conservation Board gave much thought to what would happen in the North Sound as far as creating of marine parks in that enclosed body of water was concerned. It was the view, after much thought and deliberation, that it was necessary to create a marine park in the North Sound because of the value it is to marine life. That opinion has been viewed very often especially in recent times and therefore, I think it was right when the proposals came forward to divide the North Sound into two areas. The east would be a marine park zone and the west would be a public open space.

It is my understanding that in all public open spaces the public has a right to go there and to do whatever they wish which is conducive to the surrounding areas. In other words, once people do not begin destroying marine life, coral the rest of it, then the area is there for the use of one and all. But I do not think that any one can go there now and claim any particular area to be his or theirs for any particular purpose.

We have heard the Member moving the Motion stating that those sand bars are beautiful spots in the North Sound used for various recreational purposes. I think that is right. I have been on those sand bars myself, and I can confirm that. I think that as long as the North Sound remains there that those sand bars should continue to be public open spaces for the benefit of the public who want to go there to use the facilities.

Since the marine parks were established in 1986 and the North Sound was divided into two areas, we have had no request from anyone to change anything there, and in fact, the Marine Conservation Board which supervises the use of these areas and looks carefully at what happens in the various parks are very keen to ensure that the regulations made in 1986 are maintained, excepted of course for the case we dealt with here yesterday where proposal is being made to amend those regulations to create no dive areas in certain districts and that we maintain the regulations establishing the marine parks.

We were never approached by anyone, neither the diving industry or other people, regarding the sand-bars. Whatever the Member presenting the Motion might have heard, those rumours are still rumours. They have not come to Government as yet with any specific request or proposal. But I want to make it quite clear that any attempt to interfere with any of the present arrangement of either the marine parks or public open spaces, will be very carefully examined and very careful consideration will have to be given to any changes proposed in those areas.

I know that at one time there was an urgent need to find sand somewhere because it is a very important building material in these Islands. I remember in the early 1950s when the airport was being constructed that hundreds of truck loads of sand was taken out of the Seven Mile Beach to fill ponds and swamp areas where the airport is sited today. At one time we thought that a part of the Seven Mile Beach would never be rebuilt again. Over the years the construction industry has used sand from that Seven Mile Beach and from the area known as Barkers on the north coast of this Island to the extent, that Government became very concerned of what would happen to the beaches. It was at that time that thought was being given to finding alternative ways of producing sand, so the study of the North Sound took place in the early 1970s in what is commonly known today as the Wickstead Report. Dr. Wickstead was given the authority to examine the sand-bars of the North Sound to see whether there was a possibility of the area producing sand for the construction industry.

In the Wickstead Report he identified about six sand-bars. There were small, medium size and two larger sand-bars. These, he said, could produce a lot of sand, but what he recommended was first to extract sand from the very small bars to use that as a test to see what the effects would have on the ecology and the areas surrounding and if there were no inherent damage then we could move on to excavate sand from the larger areas.

Well, Mr. President, the Member mentioned in 1980 or 1981 someone proposed to dredge sand from that area, but we also have on record that in 1982 there were two applications, one from a Caymanian, and one from an individual who shortly afterwards was involved in drug trafficking and eventually he went to prison. So, those application were never really given any approval.

In creating the marine park in the North Sound the line of division was drawn across those sand-bars so that the smaller sand-bars fell in the marine park while the larger sand-bar fell outside in the open public space. So we will find those larger sand-bars today to the west of the marine park, and those are the two lovely sand-bars of the North Sound, an area which is very attractive, an area which is used enormously by the residents of this island, and an area which should continue at all times to be reserved for the use of the public.

I doubt very much that the Marine Conservation Board or the Government will accept any proposal from anyone to monopolize those areas for any specific purpose. And so, Mr. President, I want to give this Honourable House and the Member moving this Motion, that as far as this present Government is concerned, there should be no fear of any interference to any one of those sand bars which is now used and enjoyed so much by the public.

Thank you Sir.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Thank you Mr. President.

2/88 - Use of a Sand Bar.

Mr. President I rise in support of Private Member's Motion No.

I would like to open my short debate on this Motion by asking one question. Does the diving industry fully understand or comprehend what the sea means to Caymanians?

Mr. President, every man, woman, boy and girl in this country regard the sea surrounding these islands like they regard a good friend. Caymanians have lived by the sea, they have lived from the sea, a vast majority have lived on the sea and it must never be forgotten that no amount of banks nor any amount of tourism will ever lessen the closeness of the bond between Caymanians and the sea. Having said that, I have not for one second underestimated the value of banking and tourism to this country. I simply want to make it emphatically clear that Caymanians value highly what is theirs, not least, of which are the waters surrounding these islands.

Our very own Coat of Arms depicts so clearly a verse from the Bible "He hath founded it upon the Seas". Mr. President, this country, these waters, are our gifts from God. We treasure them, we love them and thus our reason for the Marine Conservation Law. We must by all means preserve them for our children for generations to come to enjoy what we have been privileged to enjoy.

Long before our diving industry, long before any feature articles in National Geographic magazines or in Skin Diver magazines, the sea, the water surrounding these islands has always meant a lot to Caymanians. Mr. President, I repeat, thus our reason for wishing to comply with the Marine Conservation Law and I am pleased to say that Caymanians in general, have been doing that because of the many reports which I personally have had from visitors and locals alike of the increase in marine life around this country. Somebody has to be complying with the Marine Conservation Law.

The diving industry in this country is a welcome source of income for our people. The one thing that a visitor to this country, a non-Caymanian who wishes to do business

its traditional use."

MR. D. EZZARD MILLER:

Mr. President I beg to second the Motion.

MR. PRESIDENT:

seconded, would the Mover wish to speak to it?

MR. W. McKEEVA BUSH:

Mr. President, it is a fact that the sand-bar in question situated in the North Sound has been used over the years for many different purposes. The sand-bar is one of the loveliest spots in this Island, and may be one of the main attractions of the controversial North Sound. I believe the sand-bar to be one of the basic reasons of the constant influx of people to that area.

I have seen as many as 15 boats anchored there, some over 100 people, all for recreational purposes because the water is so shallow. Games are played there, they can play frisbee, ball, general recreation. Children and older people enjoy it, even church groups use the sand-bar. They can collect shells including the famous sand dollar. It is a beautiful place to spend the day. Maybe if the Governor has not yet visited that place I will take him at his earliest convenience.

People have also used the area to clean their boat bottoms because of the shallowness and access is easy to the boat. These, are the traditional uses I speak of. Now, recently there has been much interest in the area by certain members of the diving industry. I understand that at a meeting of the association it was muted that the place be turned into a dive site, a general area. When they realize that their submission would not go down too well they decided on the course as displayed in the Caymanian Compass a few weeks ago. Mr. President, a round-a-bout way of trying to get what they were after in the first place.

I do not believe that in recent years the stingray has been used for bait. It is my understanding that years ago the sharking industry used the stingrays for the specific purpose of baiting the shark trap but that was even before my time. A long, well not that long time ago, but over 30 years ago. I will tell this House today I believe that story was concocted so as to try and get Government's backing for the announcement of the sand-bar area as a dive site. Mr. President that will never happen as long as I am a Member of this House.

I can not believe that stingrays are in any danger of extinction. I would want them to tell me, to use a simple illustration, if they were out in the North Sound fishing and one of the bigger size stingrays latched on to their line in the night, what are they going to do? To make this a protected species would not be, in my opinion, moving in the right direction. I feel that we would be putting a lot of people in the position to break the Law. No one knows what is going to take his line when he is fishing.

Once again, this gentleman, Mr. Kipp, is trying to grab every thing for himself. Once again it is a case where these people want to tie up the whole of the surrounding waters of this country as their personal property while our own people are left out.

This man, Mr. President, or the likes of him, need to be put in their place. He must understand, as all reasonable investors in this country understand, that we welcome him here. He can do any amount of business, he can, but he must be stopped when he tries to infringe on the rights of our people. He must understand that our people must live too. He should count it a privilege. Let the likes of him understand he should not take it for granted.

This whole situation, Mr. President, with this stingray business, it is an area that is used by the local charter boat operators, the smaller businessmen and traditional fisherman. It is used in the heavy north-east wind so that they can do snorkelling with tourists. That is the traditional use I am speaking of. Now all of a sudden this stingray city business has become a Las Vegas. The scuba diving industry is now beginning to move into the North Sound and people like Mr. Kipp want to control it.

I pose the question for Honourable Members in this House, which area is going to be left for our local people to use? That is the crux of the matter. The situation is that scuba diving in the North Sound, to be the real facts, is taking away traditional business from the charter boat operators who normally use it to snorkel. The diving industry are using scuba gear to look at this stingray city as Las Vegas.

The charter boat with the traditional snorkel and bottom fishing in the area is being left out, and believe you me, Mr. President and Members, I have checked around and this is causing a problem. It is causing resentment on the part of the local charter boat operators and we must never fail to realize, as has been muted in this House, and said in this House over and over, we cannot afford any division or confrontation when it comes to the tourist industry of this country.

People like Mr. Kipp are on that road. That is why I will be moving later on that we examine the possibility of keeping scuba diving operations out of the North Sound unless it is for rescue operations of some kind. The diving industry have the whole south side, they have taken over the whole area, and certainly we must try to protect the use of the sand-bar and its surrounding waters for the use of our people who have used it for years in the traditional manner I mentioned.

Mr. President, what if we said no scuba diving from the lower end of the reef to Rum Point unless for rescue operation? I believe that would be fair. On the south side we cannot do bottom fishing inside of some, I believe, 60 feet of water. One can only fish in one area. The possibilities, and they must understand this, are there for us Members and representatives of the people to examine and we will do it because we have that responsibility to the people who elected us to office.

This sand-bar has been a controversial subject for many years and on different occasions.

At one time the previous Executive Council and the previous administration, were going to raise the sand-bar in fact they were entertaining a contract to dredge both the North Sound and also on the south side as well. But we on the outside, I was not a Member of the House then, put on the pressure and they took flight, the Government that is, took flight. There is so much hypocrisy today concerning this whole North Sound sand-bar issue.

On the one hand we have one political candidate in West Bay going around with a petition to say 'no dredging in the North Sound' when in fact his only concern when the previous administration was going to dredge the sand-bar, his only question was and I will read it, Mr. President;

"Mr. President, with your permission I would like to ask one supplementary. Could the Member say whether or not Government have control of the distribution of this sand and marl?"

All because he is in the trucking business.

Hypocrisy, Mr. President, I am urging Honourable Members of this House that this Motion is not a long frivolous one. It might seem frivolous but believe you me it is not. People are dissatisfied with the attempts being made by people like Mr. Kipp to control what they feel is theirs. We in this House must take the necessary steps to prevent confrontation. All I am asking Honourable Members to do is to give the Motion a safe passage.

I have quite a bit more, Mr. President, and I hope it will be debated. Thank you.

MR. PRESIDENT:

The Honourable the Fourth Elected Member of Executive

here must never forget Caymanians in general are nice, they are willing to work with everyone, they are willing to open their hearts and homes to anyone who comes along, but they are an independent breed with a sense of pride and what is theirs, is theirs.

Now, Mr. President, we have some folks who have come along of late, have made a lot of money out of the diving industry and our own Caymanian people have had to give up some of what was traditionally their best fishing spots and recreational areas in order to give the diving industry what was felt to be some of the most attractive dive sites around the island. They have complied with this, we had a bit of a problem when the Marine Conservation Law was coming into affect but that all smoothed out itself and everyone seem to work together in harmony. What exactly does the diving industry wish to take, everything around?

Mr. President, the sand-bar in the North Sound should remain untouched. I doubt very much that Caymanians would want to see the stingrays become extinct, I doubt very much that they would want to do this. I believe that if they were told not to fish for the stingrays or use them for bait, I think that Caymanians, as always, would be willing to cooperate and to work with the Marine Conservationist and the diving industry in seeing that this is preserved. However, I personally will not be satisfied to see any major effort on the part of the diving industry to have this particular area secured simply for the purposes of divers and divers alone.

Sometimes we find situations in this country where a few individuals come here and they get their foot in the door. I think often times and I say this kindly, but we allow people from overseas sometime to assume roles in this country which I think should be held by Caymanians because they are very sensitive areas such as the diving industry, such as the hotel association.

Caymanians know about this country and if you have people who come here and because their business, their income depends on it, they are going to protect certain things, perhaps they are going to look at it in a different light. But I feel that in these key areas Caymanians should be the people who are in charge, because time and again we have had situations where if Caymanians were holding those particular positions, we would be much better able to converse and to get things across in the manner in which we wanted.

To some people Cayman is not really something which touches the soul which they feel deep down in their heart, it is just a place where they are making money and when they have finished and have gotten what they would like to have, many of them just leave. That is not the case with a person born and bred here. There is a special attraction, there is a special love for this country and any one who comes here has to realize that sensitivity and understand that what traditionally is ours, is ours, and it must always be ours.

The sand-bar in the North Sound must remain intact as it is and these restrictions must not be allowed to be put in place. I think, as I said that, fishermen and others who go into that area for recreational purposes, must be able to do what they always been able to do at the sand bar without any restrictions.

The diving industry has my full support but it is not the only thing in this country to which I owe my allegiance and, Mr. President, with those few remarks I wish to say that I support the Motion before the House.

MR. PRESIDENT:

Is there any other Member who wishes to speak? If no other Member wishes to speak - The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS:

Yes, Mr. President, I would like to support this Motion and in doing so I am forced to refer to some of the elements which the Second Elected Member for West Bay, who moved the Motion mentioned.

I am beginning to wonder whether the dive boat operators are beginning to believe that the Marine Parks Legislation, which was passed last year, was really intended to be called the protection of the dive boat operators industry.

It is a known fact that particularly the institution mentioned by the Honourable Member introducing the Motion, is not only involved in the diving industry but as a Caymanian would say, Sir, he is up to his neck in retail business as well as in any other business he can get his hand in, and the unfortunate thing about it, the number of Caymanians employed in his operation are minimal. If he has upgraded his boats since he purchased the business that too is at a minimum.

Now contrast that, Mr. President, to the local operators who are in the diving industry, they have all gone out and probably borrowed the money but they certainly have upgraded their product, their boats are first class. They can go to various sites far away even in moderate to rough weather but the operators such as the one that the Member piloting the Bill mentioned, it is my opinion his boats have to go with the wind all the time, they cannot go against the sea. So they are using up very few sites near to shore always, and that is the reason why they have suddenly discovered the sand-bars in the North Sound, because the North Sound is a calm area. It is a fact that these dive operators, and we should understand we are talking about scuba divers, because the West Bay charter boat operators always carrying snorkelers in the North Sound. This was their livelihood but all of a sudden because it is calm in the North Sound and those little school children that they put to operate their boats cannot go out in the rough weather to find themselves at the sand-bar, and they want to run the local operators out of those, and not only the local charter boat operators but people like myself who go there once very two years to renew my acquaintance with it.

But there are people who have the time inclination and who go there often, at least weekly. They take their children there, I have seen pictures of them with barbecues set up on that sand-bar cooking meals, and as the Member piloting it says, it is used as a repair yard I would consider for boats because it is shallow, one can work around them if one has to go under them one can see what you are doing. That sand bar is no recent phenomena that Mr. Ron Kipp or anybody else founded. I am 53 years old and from the time I was six years old I used to go to North Side by boat every summer with my grandfather. The sand bar was there then, so were stingrays.

I object when those people come and want to prevent local people from using that area as I said, for their customary purposes.

I cannot accept, Mr. President, that any Caymanians go there and catch stingrays for bait. Caymanians were normally taught that when you see a stingray get back in your boat, and it is the worse fish in the world to try to capture, they also burn up your hand. But, I mentioned the quality of the equipment that these people use to show that if they had a commitment to this country they would invest in proper dive boats so that they could take people to far distances and they would not have to deplete the one or two areas that they know about. They do not even know the names of them some of them give them their own names, could not find them on the chart if one tried.

But my opinion is the reason why they have not done that is because they want to make sure when they ruin the country they can run and leave nothing behind. I want to emphasize that that particular operation carries the name of the pioneer diver in Cayman and I am 99.9 per cent sure that when he operated that business he did not interfere with the North Sound excursion trips which were the bread and butter of the local charter boat operators. He stuck to his scuba diving which was done at least outside the reef. He made a good livelihood. Let this man who wants to now take over the sand-bar for his sight-seeing go out into the deep, hire crew and get boats that can take his customers out there and leave the sand-bar for what it was and what it will always be.

Thank you.

MR. PRESIDENT:
Proceedings are suspended for 15 minutes.

I think this is a convenient moment to take our break.

AT 11:20 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:42 A.M.

MR. PRESIDENT:
of 1988.

Proceedings are resumed - The Private Member's Motion No. 2.

The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, I rise to support Private Member's Motion No. 2/88 now before the Assembly asking Government to take necessary steps to preserve the traditional use of the sand-bar in the North Sound.

One of the things that disturbs me with these people in this industry is that they like these names that look good in neon lights and painted on the side of buses like stingray city.

I have always known that spot in the North Sound to be called the sand-bar and I think it is false representation to advertise it as anything else but the sand-bar because the changing of names does not stop there. I was talking to a couple of foreign residents a few weeks ago and they started to enlighten me about the amazon of Cayman, and after about an half of an hour of enlightenment I asked them to pardon my ignorance but where is the amazon of Cayman? He said it is the little canal strip of water between Booby Quay and the main land. I asked the gentleman concerned, please what was known as Booby Quay. I do not appreciate you trying to change the tradition in our country by changing the name.

As far as fishing for the stingrays in this location is concern, people have fished those stingrays for sport for many years. I have a mark on my hand that is some years old that was put there by my uncle. I kept insisting that I wanted a tie hand, he carried me to the sand-bar, hooked a big stingray and told me to hold on to the line and I got a tie hand, but we let the stingray go. I did that up until Easter Sunday. I hooked one of the smaller stingrays on a casting rod, I enjoyed the fight, the stingray enjoyed the fight for about half of an hour, we pulled him up to the boat and let him go. No damage done.

But a respectable citizen from our community, particular from West Bay, took the time to come to this Assembly this morning to bring a matter to my attention. It has to do with the dive industry but it has to do with shore divers. I have raised it before and I think that people who rent equipment for scuba diving that is going to be used for shore diving, have a responsibility to inform the people who are renting the equipment of some of the traditions and that they must respect certain things in Cayman.

This gentleman, Mr. Cleveland Ebanks, was fishing on North West Point and a diver came down to dive. Now traditionally in Cayman we fish in a certain way. We carry a certain amount of bait that we grind up and either put it in a conch shell or a can or just throw it out in the open water to make what we call 'chum' or 'scent' to bring the fish in. This gentleman went to all that trouble and was now trying to catch himself some fish so he asked the scuba diver not to enter the water at that point but to go a little further down where the diving is just as beautiful, just as good, access to the water was even better than it was at that point, and the diver accosted the man, challenged him to a fight and used obscene language.

Now had that been a couple of years ago when Mr. Cleveland Ebanks was Cleveland Ebanks he would not have asked for the fight the second time, he would have gotten a fight but the man is getting up in age. I drew the reference only to show that in many areas the dive industry is infringing on people's rights in this country, and unless the dive industry, principals of the dive industry are prepared to accept the responsibility to conduct the affairs in a amicable and cooperative way Government will have no alternatives but to do what we did yesterday.

I have seen these dive boat operators put their boat at the marina, the work is not being done by Caymanians, it is being done by their dive-masters. I raised the point as to whether the work permit of a dive-master includes one doing carpentry and scraping and painting etcetera on a boat.

As the Mover of this Motion says, we cannot afford confrontation. Especially confrontation that results in violence in the tourism industry in this country and unless the scuba dive operators stop being so aggressive in selling their product and disregarding the concern of others, I am afraid that that violent confrontation is going to occur.

I had a instance in my constituency where it almost happened. A man was fishing from his boat, the man had spent all morning trying to catch a little grouper and as soon as the grouper took the hook the diver cut the line off. Now that fisherman pulled up the line, put on a bull sinker and a number naught hook and tried to hook the diver, and I can promise you that if that gentlemen had hooked that diver he was going to pull him to the surface. He said he had not got anything like that in his life so he was going to maltreat it when it got up there and he meant that.

Now I hope that the dive masters and the managers will do what they advertised that they purport to do, tell the people to bring back only pictures and leave only bubbles that is not always the case, Sir.

The sand-bar in the North Sound must remain as it is for its traditional uses and any attempt made by anyone to change it must be stopped forth-right and forth-with by Government. I am pleased to hear that Government has taken that stand because as long as I am a Member on the floor of this Assembly I intend to take that stand.

Thank you, Sir.

MR. PRESIDENT:
for Bodden Town.

If no other Member wishes to speak...The First Elected Member

MR. JAMES M. BODDEN:

Mr. President, I am somewhat sympathetic to the Mover of this Motion in regards to understanding what he would like to see done. We would all like to preserve the island as we knew it and we would like to preserve the aspects of the North Sound.

The sand-bar has been in the North Sound, it has been used by people over many of years and I would like to see it remain there. I would like to see its use sort of being unrestricted. In my opinion, the dive boat people should be able to use it. The fishing industry people should be able to use it and those who just wish to be entertained should be able to use it. If we can accomplish these three goals in harmony, I think we have accomplished something. But I fail to say how a Motion coming to this House in this manner is going to preserve the tranquillity that some Members appear to be wanting to exist.

To-date the records speak for itself. This Government has been unable to come to grips with the problems that exists; they have been unable to present anything that is fruitful for the country, therefore I wonder, what will we accomplish by burdening their hands once more by passing this

Motion in the hopes that something foolish can be done again.

I wish to preserve the North Sound as much as we can; I wish to preserve the sand-bar; but we have a Marine Conservation Law which we have put into effect that is seriously hurting some people in this country and it is for a good reason, because we are trying to keep for the future what we have in the present and not to deplete the resources like what have been done in the past.

Now it is on record I think that we have had local fishermen who have taken more conch than they should take. I think we have had some of them that have been convicted for taking more lobsters than they should take. Again, Mr. President, I agree with that being done to an extent, but these people have not only been fined, I think their boats have been confiscated.

Now here in the same area that we are trying to protect, we are now preparing to dredge it to probably 15 or 20 feet destroying the complete ecology of it. So, what is happening? On one side we are putting in the strict law to hurt the Caymanians and we are bending it on the other side. Now this does not mean that I am against the progress that this may bring to the country, what I am saying is it is stupid of us, as Legislatures, to make a law that affects our local people so much and disregard it when it comes to someone else.

We must have a policy that is going to be good for everybody concerned, not just for one person. So therefore, if we pass this Motion today we cannot accomplish anything with it because we are putting it in the hands of people that are incapable of protecting the welfare of this country.

Thank you.

MR. PRESIDENT:

The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:

Mr. President, my contribution to Private Member's Motion No. 2/88 - Use of Sand Bar will be very short as I did not indeed anticipate that there would have been any objections at all to such a worthy Motion. Listening to some of the debates here this morning and one in particular, I wonder whether the Member has fully read the preamble to the Motion and the resolve section.

We are not debating previous debates but we should indeed be debating the Private Member's Motion before the House, and, for the enlightenment of members of the public I would wish to read this Motion in its entirety. It states:

"WHEREAS the sand-bar in the North Sound has been used by everyone over the years;

AND WHEREAS the diving industry are making attempts to regulate and control the use of the sand-bar;

BE IT THEREFORE RESOLVED THAT Government take steps to preserve its traditional use."

Mr. President, the resolve section of this Motion is asking that Government take the necessary steps to preserve the traditional use. Traditional the meaning in itself, implies what has been accustomed over the years. So there is no move here to try and change things just for change sake. The Motion is asking that what we have enjoy in the past we preserved.

But what bothers me, not only with this Motion but with the general attitude of many of the investors coming to this country, is that when they come here some of them tend to feel that the country belongs to them and that they should have complete monopoly on the businesses in which they are involved to the detriment of local Caymanians. This is a very unwholesome attitude and it will lend to many problems in this country in the future if this is not checked and checked very early. Not only is this attitude amongst the dive boat operators but it extends to other service industries in this island.

I can think particularly of some of the areas of rental. Motor car rentals, motorbike rentals and other areas where foreign investors come here and because of their privileged positions and because of their contacts they endeavour to completely monopolize the industry of the service in which they are involved.

Caymanians must take the credit for what we are here today, for the development in this country. The only reason why we will find some of these investors coming here is because things are so good. Why should not Caymanians enjoy the fruit of the land? It is the responsibility of Members of this Honourable House to protect our local people, to protect our fishermen, to protect all our people so that they too will enjoy this country and what it offers.

We have situations now existing where some of the service industries make it mandatory because of contracts they have signed, particularly with some of the hotels that local people cannot even do business with these hotels. I speak specifically of some of the rental areas, they make mandatory that because they have a contract with a particular business that nobody else will get any of the pie. This is not right, I am totally in favour of full competition because I believe that in our type of economy and in our society that we should have and encourage a laissez faire type of economy where prices and other vagaries of the economy are controlled through competition but I do not believe that Government should tolerate a monopoly as we see now operating in the dive industry.

This is a good Motion and I would have thought that every Member, especially the Elected Members of this Honourable House, would have thought beyond their own personal feeling and would have considered our people, the enjoyment they get out of this country, the enjoyment they get when they go to the sand-bar. It is not only for a selected group that are raping our industries; that are getting all the money out of it and their main consideration is what they are putting in their pockets. What about our people?

If we are to continue on the right course, if we are to continue free of many of the social problems that we find in our neighbouring Caribbean islands and other parts of the world, we must set the pace where local Caymanians can feel that they are not being ignored but that their interest are also been considered.

it my full support.

Mr. President I feel that this is indeed a timely Motion and I give

Thank you, Mr. President.

MR. PRESIDENT:

It appears that no other Member wishes to speak on this Motion, in that case I call upon the Mover to exercise his right of reply.

MR. W. McKEEVA BUSH:

Mr. President, I appreciate the support given by Members of the House, those that support it have spoken on it. Any economy such as what we have, we are bound to have problems. Let no one misunderstand or think otherwise. We have a vibrant, booming economy and when an island as small as we are have the kind of development we are faced with there is bound to be problems.

This Government is trying to solved the problems and to keep them at a minimum. The Individual Members of Government have no control over what individual people might think or try to do, but, it is a responsible Government who see the problem and then act on it and this is exactly what we and the Executive Council are trying to do. For any Member to get up and say otherwise is being irresponsible.

Again, Mr. President, this is an election year and the opposition

has said that this April, is the month they will be launching their campaign and this is exactly what they are doing, but we are not dummies and they might try to take my seat but you can believe they are going to have a run. They would not be standing you can believe that, they are going to have to run.

All these problems arise because we have a vibrant tourist industry. Tourism has never been in a better position and if they could get up and say otherwise they would be doing it but they know they cannot refute it so all sorts of things have been thrown in to the debate, the kitchen sink and even the water.

Mr. President I welcome the undertaking given by the Member for Natural Resources, I would just like to say that when he said that no request came to Government it was only a rumour that I did not say that there had been a request to Government. My case is, and I would reiterate it for the record, that recently in a meeting of the association of the industry it was muted that the area be turned into a dive site. However, when that did not go down too well, when they realized that the submission would be fought they decided on the round-a-bout course as was displayed in the Caymanian Compass saying that people were using the stingrays for bait and that they had found dead stingray.

Mr. President, it is just one of the ways that that gentleman would use to try to get around the opposition he knew he would be facing if he tried to turn the area into a dive site and therefore, as usual, I have taken a step because it has to do with my constituency and the most people affected would be the charter boat operators which are mainly, if not all of them, West Bayers. But this is not new for me to bring a Motion to this House to protect my people, I have been doing that since the 20th day of November, 1984.

The opposition, however, has failed to be an effective opposition and on the eve of a general election they now come to try to prove that they are an effective opposition. Opposition is good for any democracy that is why I stood on this floor over and over even though I was part of the group that was elected and made up the majority of members of the Government. I stood and opposed them because the opposition was confounded, they did not know what was going on, they were not attending the meetings, we would have meeting after meeting. Where was the opposition? Where was the opposition, Mr. President? Now today they are here claiming to be champions of the people.

If anyone can claim that right as an opposition Member it is myself, the Member for North Side and the Second Member for George Town. We have been constructive opposition even though at times it got hot in here, but it is good because we are a democracy. Mr. President, lies, outright lies cannot help an opposition. An opposition must present alternatives, it must be truthful whether in Parliament or whether on a public platform.

Rumours can do a lot of damage to a country, it can do a lot to damage the Government, it can do a lot to damage an individual and some people strive on rumours. The suggestion that it can be used effectively, I am speaking of the area in question by both the dive operators and the fishing people is not so, is not so and I will fight that as long as I am a Member.

We have giving the diving industry in this country the whole of the south side of this country to operate on and outside of the reef of the north side of the island. In fact, they can go anywhere. We have one little area of 33 square miles which is call the North Sound which has been traditionally used by our people, now they are coming to take it over and the Member from Bodden Town is suggesting that they can use it together.

Yes we would like to be able to keep a harmonious position but we remember that their administration gave the dive boat industry the chance to do anything they wanted and then they kept away the poor fisherman. The position was plainly that under their administration by regulations that they passed, the fishing boat had to keep off from the diving boat, but the diving boat could come and interrupt us while we were anchored.

Well since I have been in Government we have tried to do something about it and the Government accepted that fact, but the fact is that they can still come within a certain distance. So, how can this be so? How can they go there together when they have to keep off at a certain distance?

The sand-bar in that area we are not talking about miles and miles and when it comes to policy they think that people are stupid. How could it be done Mr. President? The Member suggested that it is no use of passing the Motion and they say they have a responsibility to all sides. Where is their responsibility?

Mr. President, this recent dredging operation which has caused such a furor was mentioned by the Member. It is not true that the proposed Safehaven project is in the same area as the sand-bar. That is not the truth and the public must be told the truth.

Now, everyone knows my position on dredging in this country because when the previous administration was putting out contracts and licences for the dredging of the North South this Member today, who was not a Member of the House then, was in the opposition on the outside and had petitions drawn up by not only me but the whole country when their proposal was put forward to dredge not only the sand-bar but the whole of the North Sound. Their crony on this side of the House, his only question could be who was going to do the trucking because they were in the trucking business? I have no business to protect. I have the people to protect and the people to worry about and this country's interest and that is where I have stood.

Mr. President, as I understand it concerning this project the maximum depth would be 12 feet and I should make the point that when it was muted by this Government or whoever it was that they were going to put a dock there, I had discussed it with my people and again we presented a petition which said they did not want any dredging there but that was dredging on a full scale operation and the opposition today are still trying make people believe that the proposed project the Safehaven project is going to dredge the whole of the North Sound.

Where is their policy, Mr. President? Why does the opposition not set out their policy so that people will know where they stand? When, in fact, Mr. President, the total area which is to be dredge is some .625 per cent of the total North Sound area which is only 33 square miles and if, for instance, you place the area on a match box; let us say the match box was the whole of the North Sound and you place that area on it, it would look like a match stick head or less, but you have the opposition going round with petitions telling the people that Government has given permission to dredge the North Sound. The only Government that gave permission was theirs.

MR. JAMES M. BODDEN:

Mr. President, on a Point of Order, Sir. What the Member is saying is very misleading in view of the question that was posed in this House a few days ago and answered by the Elected Member in charge who listed the permissions that have been given for dredging since, I would say, 1976 probably through 1988 or 1987 and that is there for everybody to see. There were four, I would say, limited permissions given during the years 1976 to 1984. There have been four given since that by the present Government in four years. There was also one I will not leave out that was given in 1983 to create a bow channel at Batabano for Her Majesty, The Queen.

MR. W. McKEEVA BUSH:

brought forward?

Mr. President, where is the Point of Order the Member has

MR. PRESIDENT:

The Point of Order is being explained, he is making the point or attempting to make the point that you are misleading the House. I have to hear him out before I can rule.

- MR. W. McKEEVA BUSH:** Well that way he will get in his words in but that is fine.
- MR. PRESIDENT:** It does not matter, he must be able to make his point and then I will rule.
- MR. JAMES M. BODDEN:** Mr. President, it is misleading because the Member said that the opposition was passing petitions around against dredging which we are not, and he said that we were saying that the Safehaven project was in the area of stingray city which is the sand-bar, which we all know it is not, I did not say that and he is also saying that we gave permission for vast dredging in the North Sound. The truth answered by the Elected Member responsible for the Portfolio bears me out that there were only limited dredging permits given by the Government in 1976 to 1984. So that is my Point of Order that he is misleading the public and the House.
- MR. PRESIDENT:** The Member who was speaking may now speak to the points made. I would not wish this to be an extended debate but obviously there are two points or two views on this, please do not go on. You are entitled to reply to the Point of Order raised.
- MR. W. McKEEVA BUSH:** Yes, Sir, and again....
- HON. BENSON O. EBANKS:** Mr. President, on a Point of Order, I do not think the Member called attention to the Standing Order that he was claiming that was infringed, and to the best of my knowledge there is no Standing Order that covers the point that he was trying to make. Maybe the House's attention could be drawn to the Standing Order that he is objecting under.
- MR. PRESIDENT:** I do not believe that it is necessary to do that. In my opinion he was making a Point of Order that the House was being misled and I think it is reasonable that he should make that point and that it should be answered.
- MR. LINFORD A. PIERSON:** Mr. President, on a Point of Order, Sir, in November 1987 you wrote to us with a memorandum stating the three modes of interruptions in order and we have that memorandum before us today. The Member speaking on a Point of Order just a while ago did not refer to any of these recognized Points of Order.
- MR. PRESIDENT:** I am sorry, on a Point of Order the memorandum of which you refer says the President will invite the Member interrupting to state his Point of Order if he wishes by first stating to which Standing Order he refers. It does not say that he has to refer to it.
I would rather frankly that we did not spend a lot of time in going on Points of Order. It seems to me that the proceedings of the House can be conducted reasonably and flexibly and if the House does not wish to abide by my rulings of course it knows what it may do.
Would the Member who was speaking please now reply to the points made in the Point of Order?
- MR. W. McKEEVA BUSH:** Thank you, Mr. President.
I am not in any contention if the Member wants to interrupt me to explain his point but I was under the impression that he said that we were trying to protect an area that the Government had given permission to dredge. Maybe we could check back the Hansards to see that is what I was replying to. As policy, I am not in contention personally, if he wants to interrupt me fine. I am in contention that he said certain things and that was what I was speaking on.
- MR. PRESIDENT:** That is clear, you made your point, you have each made your point. If I may say one more thing I really do not want that we should run the procedures of this House as if we were running strictly by a book of rules. I am sure we can conduct ourselves, make our point strongly if necessary within invective but with flexibility.
- MR. W. McKEEVA BUSH:** I agree with you, Mr. President, I would never like to be too stringent because I am called to order quite often and I would like for you to be very flexible with me when I am out of order.
Mr. President, to get back in the train of talk I was in is that if we check back in the Hansard we can see that the Member made reference to the Motion, not being of any use that Government would not know what to do because they had given permission to dredge the same area. Check the Hansard back. I am saying that his administration was just as bad or worse. If we take the Hansard and we look at a period when his Government was in power you will see some questions posed. They were well on the way, it is that point that I made the reference to, they were well on the way to granting the permission or the licence.
It came to a point that the Member responsible for Natural Resources, the Second Member for Bodden Town, had to come to my district to tell the public, "look there is no need to bother with the petition because Government is not going to allow the dredging". But that was after we had put the pressure on, and my point, Mr. President, is that the same people that are running around saying that the Government is allowing a large scale dredging operation today is a lie. It is not the truth and before I was interrupted, I was on the thought that I opposed them; and I opposed this Government and both would have been large scale operations. I did not tell a lie about it.
- MR. PRESIDENT:** I assumed you are not imputing that any Member of this House told a lie, the Member you are talking about are people other than Members of this House.
- MR. W. McKEEVA BUSH:** Mr. President, no. I know that the word lie is unparliamentary and I am not referring to Members of the House, I am referring to their political candidates in my constituency who are liars.
- MR. PRESIDENT:** That is entirely in order.
- MR. W. McKEEVA BUSH:** I know, Sir, because that is what they are. They want to start the campaign I am ready.
Mr. President, to put this whole matter in perspective I am going to read from the Hansard to put that matter into perspective about the dredging; who was dredging, and who was going to give a licence, with your permission, Sir.
- MR. PRESIDENT:** I would hope you can make this short. I think you have made your point very clearly and there is a danger of repetition. The Motion is about the diving industry and the sand bar so please make it brief.
- MR. W. McKEEVA BUSH:** But dredging, you would agree, was brought into it, right?

MR. PRESIDENT: And I believe you have replied quite extensively. I said that.

MR. W. McKEEVA BUSH: Okay, Mr. President, the Hansard, if I read it, the two Members are going to interrupt me and so we are going to have a quite drawn out thing. To keep the decorum you have been asking for I will not go into the Hansard, but the fact is and the truth is that they were ready to do so and we stopped it.

As I said, all sorts of things have been thrown into the debate and, as the Member moving, I had to reply because I think that this Motion is a worthwhile Motion. It is the sign of responsible representation and it is a sign that we have a responsible Government who is willing to take action when they find the problem affecting the people they represent. I do not think that any fair-minded person could ask otherwise. But, I am ready if they want to start the campaign.

I thank the House for the time and I thank them for the support.

MR. PRESIDENT: I shall now put the question on Private Member's Motion No. 2/88.

QUESTION PUT: AYES AND NOES.

MR. W. McKEEVA BUSH: Can I have a Division, Sir?

MR. PRESIDENT: Yes, certainly. Clerk.

**DIVISION
NO. 7/88**

AYES: 13

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. 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. E. Ezzard Miller
Mr. John B. McLean

ABSTENTIONS: 2

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

MR. PRESIDENT: Private Member's Motion No. 2. of 1988 accordingly passed. Now, in accordance with the discussion earlier in the House the next item on the agenda will in fact move from Item 5 - Private Member's Motion No. 4/88, The First Elected Member for Bodden Town to move.

MR. LINFORD A. PIERSON: Motion. Mr. President, on a Point of Order before you get started on that

MR. PRESIDENT: I am sorry what did I do?

MR. LINFORD A. PIERSON: Just on a Point of Order I wanted to bring something to your attention, Sir.

MR. PRESIDENT: Please.

MR. LINFORD A. PIERSON: Mr. President, with great respect and I do not wish to question your ruling. I would none-the-less call your attention to Standing Order 24(4) that states:

"A Motion shall not contain personal opinions"

and since we are dealing with the three Motions by the same Member perhaps I could have waited until Motion No. 5. was being dealt with. But, I thought I would bring this to your attention at this point that in Motion No. 5. the second "WHEREAS" is definitely a personal opinion of the Mover. In the resolve section where it states in the last line, "for the purpose of finding solution to these most serious problem" is also an opinion as he is only alleging that those problems exist.

Thank you Mr. President.

MR. PRESIDENT: I am grateful to the Member for his advice. It is always difficult trying to accept, particularly Private Member's Motions for the agenda and the President is in the awkward position of trying to see that they conform exactly with Standing Orders, and on the other hand not, I was going to use the word amputating but may be that's a bit strong, the Motions that come forward. These particular Motions were amended by me quite considerably as the Mover will know. I repeat I am most grateful for your advice.

Private Member's Motion No. 4 of 1988 the First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, the Motion which I proposed to put before this Honourable House and which has been seconded by my colleague from the Bodden Town district...

MR. W. McKEEVA BUSH: The Motion has not been moved, Mr. President.

MR. PRESIDENT: You were about to have said the Motion reads as follows, are you?

MR. JAMES M. BODDEN: Yes, Sir, I was going to do that. Thank you. I was merely trying to get to what the Motion was.

"WHEREAS the present Elected Members of Executive Council were elected to the

Legislative Assembly with promises of improving overall social conditions in the Islands;
AND WHEREAS it appears that they have taken no steps to solved the social problems of the Islands;

BE IT THEREFORE RESOLVED THAT this Honourable House appoint a Select Committee consisting of all Elected Members of the Legislative Assembly, to find solutions to the social problems facing these Islands."

MR. G. HAIG BODDEN:

Mr. President, I second the Motion.

MR. PRESIDENT:
and seconded.

Private Member's Motion No. 4. of 1988 has been duly moved
Would the Mover wish to speak to it?

MR. JAMES M. BODDEN:

Now that my Motion has been moved and seconded I would like to go into a short debate in regards to the merits of this Motion.

Going back to the election of 1984, the present people who comprise the majority of this House in all of their manifestos and in all of their political deliberations promised the people of this country a utopia that anyone would have been glad to partake of. They promised to improve every social condition in this country. Of course, Mr. President, that was just a small hand full of the many promises that were made to the public and which have not been kept.

Since the 1984 Election the present administration with its colleagues in the Backbench have shown an utter lack of regard for the betterment of the Caymanian people as a whole, and today three and a half years of this administration it is an indictment against every policy that was put forward for the 1984 Election, and which form the basis of their platform and their promises to the public of this country.

The people were looking for something that they thought would have been better. But alas, Mr. President, they are wandering like the Jews did in the wilderness with Moses.

HON. BENSON O. EBANKS:

Mr. President, on a Point of Order. I would like to call your attention to Standing Order 70 (6) and I would like you to read this in conjunction with the procedure that has always been followed in this House. And that is, that when a Motion is moved, to place any matter to a select committee, there is really no debate on the substance of the Motion. If the Member's desire is to have a committee deal with this then the question before the House is whether a committee is appointed or not.

MR. PRESIDENT:

If you would like to speak to that but I am going to suspend in order to consider it when I hear you speak.

MR. JAMES M. BODDEN:

Okay, Sir.
Well, would you like to suspend and then when we come back this evening I will have a chance to speak on this or would you like for me to do it now?

MR. PRESIDENT:

I think we should suspend and I will consider. Perhaps conveniently we might suspend until after lunch.

Proceedings suspended until 2:15 p.m.

AT 12:40 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:22 P.M.

MR. PRESIDENT:

Proceedings are resumed.

When we suspended proceedings for the lunch break I was about to consider a Point of Order raised by the Honourable the First Elected Member of Executive Council which was in regard to the quantity of debate on a Motion to appoint a select committee.

He referred to Standing Order 70(6) but I think, with respect, this refers to the matters which the select committee wants appointed may debate rather than to the debate upon appointing a select committee, so I had to look further than this to see what level of debate might be permitted on a Motion such as the one before the House.

I came to the conclusion on advice that there is nothing in Standing Order which deals with it specifically so we have to look at Standing Order 85 which provides when there is not specific provision in our Standing Orders. This says that:

"85. (1) In any matter not herein provided for, resort shall be had to the usage and practice of the Commons House of Parliament of Great Britain and Northern Ireland, which shall be followed as far as the same may be applicable to this House, and not inconsistent with these Standing Orders nor with the practice of this House."

So, first I had to look to the practice of the House and I found that in recent times and for example, Private Member's Motion No. 2/85 on the Labour Law or Labour Legislation - No. 5/85 on the Electrical Law - No. 11/85 Secretion Liquor Advertising to take three examples, but the President of your House has permitted quite noticeable debate upon such Motions.

I think that such debate is necessary to allowed the Mover to seek to establish his proposition for a select committee and for it to be support or opposed as Honourable Members may choose before the question can be put and the vote taken. But, in saying that, I am well aware of the Standing Order which provides any Member may speak for not more than four hours each, I would suggest that we try to confine the perimeters of the debates strictly to subject to each of the Motions. In that case debate is resumed and the Mover was moving No. 4/88.

MR. JAMES M. BODDEN:

Mr. President, I really thank you for your ruling.

The attempt that was made before the lunch break by the First Elected Member of Executive Council and the First Elected Member of West Bay does not in one way surprise me. I feel that he made an attempt or I understand he made an attempt to block the Motion going on the Order Paper this morning, and this was just another attempt by him to try to curtail the freedom of speech in this House.

This action will serve to point out the accusations that have been leveled against my colleague and myself because we very seldom attend the committee meetings of the House. This will prove why we seldom attend it is because there is much more harassment in the committee stages in this House in the existing manner that the House exist today than it is in the open House and nothing can be gained.

The Mover was very deluded in trying to think that this section of

the Standing Orders could have kept me from having my democratic right to make my presentation of this Motion. I did think that after I had loaned him my glasses in Cayman Brac that they would have helped him more than this but I see I will probably have to borrow Halg's glasses for him next time.

At the fear of being repetitious, Mr. President, I would like to say a few words on what I said before the break because it was just a few minutes that I spoke.

I said before the before the break that this present elected administration came to power promising the people of this country a utopia that such is the light had never been known before.

Instead of the people of this country even coming close to viewing that utopia they have had to experience three and a half years where the Government of this country has totally disregarded the betterment of our people.

I hate to raise this point, Mr. President, but the social conditions of our country are deteriorating rapidly. Nothing appears is being done that will change this at this time, if we are not able to turn this stream around these problems will engulf us in the very near future. So, it is incumbent on us as the elected leaders of this country to prove to our people that this can be a responsible Government that we can be responsible legislatures and that we can do something for the betterment of our people and the betterment of our country as a whole.

The total lack of regard which this present administration has shown in regards to the social problems that face this country is an indictment against this present Government; an indictment which they can not easily erase, an indictment against their total policies; an indictment against them for the regard of our people; and this is not only in the social problems that face us, it is in every sphere of activity which this Government has to deal with. We have seen nothing but lethargy and the lack of action on the part of this Government.

There is no direction to the policies. There is no leadership. We are presently like a ship at sea without a rudder. On every hand we see the increased use of drugs in our community. We hear of the drug activity at the High School an area that should concern every right thinking human being in this country because that is the future legislatures. That is the future people that will guide our country, and what are we doing about it other than arguing with the principal of the High School and terminating his contract?

We must get to the point where we have a policy, a policy that deals with the problems of this country and not a policy that only deals with stifling debate in this Legislative Assembly.

We only have to look at the Annual Report of the Royal Cayman Islands Police which shows us that in the year of 1987 there were 230 cocaine cases dealt with in our country. Now it is always said that the police, in cases of this nature, will usually only be able to come to grips with possibly 20 per cent of the people involved. If we dealt with 230 cases last year and we take that formula and use it, it meant that over 1,000 people were using cocaine in this country and that is the youngsters, that is the people who will lead this country in the years to come. If we let this continue and do not nip it in the bud now, we will have to import a completely new generation to rule this country and to shape the course of the next generation.

I am not saying that we can work wonders. I am not putting the total blame at the feet of the Member involved. I am saying this is something that we are all to blame for but it is time for us not to walk away from it any longer but to stand up and realize that we have a problem and if it is in our school system we must exert every means available to bring it to an end.

I have several grand-children going to school in the Government school system. I would hope and pray that they would be wise enough not to get involved, but who knows? I am in sympathy with any individual be it man, woman or child who may get addicted, but what I am inflamed about is the people who are the dealers and the pushers and we are allowing them to go free in their actions. This is the greatest social problem facing our country today. We must no longer hide our head in the sands, we must do something about it.

Again, Mr. President, this administration, the records of this country and this Government can prove every thing I am going to say here today and I am not going to stray, I am dealing with the social problems. The records will show that this administration who painted themselves as angels after the 1984 Election went wild with the Liquor Law.

The Liquor Law had some teeth in it before, it had some constraints, but the next thing I am looking for that will be licensed is probably the churches because they have licensed everything else that can move walk or stand in one place, then they get in here and they cry about the evils of alcohol. Some of these very people, and they get in the churches and they preach about it. How much hypocrisy can we see.

The hypocrisy, Mr. President, is that this administration flaunted their powers and they helped to increase the social problems of this country by licensing alcoholic beverages in place after place. I would venture to guess that in the last three and a half years the increase in licensed premises in this country have gone to 50 or 60 per cent than it was in 1984 and this is a small country.

They took off every restraint that was in the Law before, then they expect that the people of this country must stand by and take what they have done. They expect that we must be as luke warm as they are; they preach against these evils but yet they pocket the profits. When will we wake up and put a stop to it? It is like the old saying, Mr. President, see no evil hear no evil.

Another point dealing with our social problems is, we are not gaining anything by increasing the size of our jail cells, we need to be thinking about deterrent ways that will help the youngsters from going to jail. Government's lenient approach to the drug problems by some of their supporters in the last election promising the electorate that if they voted for them their sons and their husbands in jail would be released. Mr. President, this happened right after the election of 1984.

Now how are we going to curb it? How are we going to come to grips when we have an administration that is so lenient and so weak kneed as to approach this problem in this manner? They promise the people of the country that they would have adequate playing fields throughout the islands. I ask this administration today, where are they? Where are they?

We come to this House and we vote and approved money for the needy. The vote last year I think at one point was about \$100,000. Nine months down in the year I believe only about \$6,000 of that was spent. Now this is money that the Legislative Assembly Members thinks is necessary to help the people in their districts. The people who are poor and needy and have a leaking roof or a broken wall or something of that nature and nobody in the department administrating these funds will take enough interest to see that this money is spent, that our people are taken care of and that our social problems are trying to be solved.

We have in this country today in some poor areas of the country unsanitary and unsuitable housing, yet we brush it aside and we say it does not affect us, it does not concern us, it is not us. But, it is a human being having to live in that squalor and this Government has enough money to fool away on everything else let us spend it to help some of the less fortunate people in the community. Do not pay them lip service anymore.

I spoke with a fellow from West Bay the other night for a couple of hours who told me about some of the problems in his district. That has been followed up to me by a letter explaining the condition of a family or a lady rather with three children. Mr. President, I want to make it clear I have not seen this condition. I am repeating what I have been told and what has been written to me - that is living with three kids in a foul coop in West Bay and the community now is trying to raise some money to put some kind of

shelter over these kids.

Now Mr. President, if we had a responsible Government with the three responsible Members that we hear talking in this House about all their attention they pay to their district, that problem would be taken care of. Government, thanks to the Unity Team administration has a large piece of good acreage adjoining the school systems in West Bay. We paid, if I remember correctly, somewhere in the neighborhood a half a million dollars for that large section of land.

I am appealing to this House today that action be taken to take a piece of that land and construct some type of suitable housing on it and let this family live on it. If we only do that one thing we would be attending to the social problems that afflict our country and which would devour us if we brush them under the carpet any longer.

To help alleviate the social problem we need to get the Housing Development Cooperation in full gear actively working to provide homes for the middle class, funding for the home for the middle class. That Housing Development Cooperation was founded with that in mind, it was founded by an administration who cared.

I am asking this House and I am asking the people of this country what has the Housing Corporation done in the last three and a half years? What are we doing to attend to the problems that are afflicting our country?

It is true we may have passed the 500 mark in banks. We may have passed the 300 mark in insurance companies, that is all good I am glad to see it. But, these problems are like termites. Where you are sitting, Mr. President, might be made out of wood, I do not know. It is camouflaged very nicely, termites could get in there and you could find yourself sinking in a short time. That is what is happening to our community and I am saying it is time the Government does something about it. If it is a responsible Government, prove yourselves at this point, do something.

The Lighthouse School was put together to deal with the problems that afflict some of the youngsters in our community. It may be many a family that might not have been afflicted with a child having something wrong with him but there are families that have it and those children deserved an opportunity as much as the children who may have a 150 I. Q.

We need to do something for them we cannot leave them to where they come out in the end as another burden on society 20 years down the line. I understand from reliable sources we have got a pretty bus I think. What are really using it for? What are we doing at the Lighthouse School when I understand that the funds that should be voted for that or if they are voted they diverted it away to some other source or not being used?

I want to know as a Caymanian as a man who has sacrifice 16 years of his life in this House for the good of the country and the people that something be done to alleviate these problems other than lip service, other than promises, other than telling us at the next election all the good things you are going to do.

MR. W. McKEEVA BUSH:

The country existed for four years.

MR. JAMES M. BODDEN:

Take it 40 years like Moses in the wilderness.

MR. W. McKEEVA BUSH:

You never attended this House in four years neither Jim.

MR. JAMES M. BODDEN:

the people of this country some alternatives to this.

I am suggesting to you today in this House, I am suggesting to

MR. W. McKEEVA BUSH:

...for four years we needed alternatives.

MR. JAMES M. BODDEN:
them.

You will get them, you always had them, you would not follow

MR. W. McKEEVA BUSH:
going on?

You do not come to the meetings. How would you know what is

MR. JAMES M. BODDEN:
constructive suggestions.

It is not worthwhile talking to you. I am going to give you

MR. W. McKEEVA BUSH:

That should have been four years not today.

MR. JAMES M. BODDEN:
anything.

You need action, you had four years and you did not do

MR. W. McKEEVA BUSH:

You did not do any action either.

MR. JAMES M. BODDEN:

Action! Direction!

MR. PRESIDENT:
many.

Order! Order! Some interruptions are in order but not too

MR. JAMES M. BODDEN:

....Action by this Government; direction by this Government....

MR. W. McKEEVA BUSH:

We needed that for four years.

MR. JAMES M. BODDEN:

conscience that you preach about, show it, go into the highways and by-ways and show it. Do not just pay lip service to it.

...and most of all have a social conscience. Have that social

MR. W. McKEEVA BUSH:
attending any meeting.

I have been doing that for four years. The Member was not

MR. JAMES M. BODDEN:

Give us a proper drug counselling and a rehabilitation centre in this country. It is cheaper for us to construct the building today and have it properly staffed that can rehabilitate the youngsters who are on drugs rather than to let them become a drag on the community and a drag on the future of this country. Let us do something about it now before it gets out of hand. Let us make it the main point that Government will attempt to improve this country. Give it national awareness, let us do something concrete.

I went to the Hospital last night to visit someone and, coming out of the hospital through the little corridor I saw a little door 'Drug Counselling Services'. It is probably a 10 by 10 office. What are we going to really accomplish? Moreover, the kids that need the help are not probably going to go up to the Hospital where everyone is going to see them and everything else going to talk to the drug counsellor. Let us give it a little bit of privacy; let us do something; let us build something for them. Let us not talk about it anymore.

- HON. BENSON O. EBANKS:** What is the Point of Order, Mr. President?
- MR. PRESIDENT:** I am waiting to hear it.
- MR. JAMES M. BODDEN:** The records will reveal, I do not know what records he is reading from, but the records will reveal that is right that I attended...
- HON. BENSON O. EBANKS:** Mr. President, that is not a Point of Order.
- MR. PRESIDENT:** Please be seated, please be seated, please be seated.
- MR. JAMES M. BODDEN:** ...a session of the Labour Committee.
- MR. PRESIDENT:** The Member who has the floor is, I think he says, quoting from the records of the House. If he is quoting inaccurately the Clerk will find the corrections.
- HON. BENSON O. EBANKS:** Mr. President, I am not going to give way to no Member in this House unless he quotes the Standing Order under which he purports to be interrupting.
- MR. PRESIDENT:** I am sorry, I am sorry would you please for a moment be seated? It is not in the gift of any Member to instruct the Chair unless in accordance with Standing Order 40 a Motion is brought substantively. I must make it clear that if I make a bad ruling I will admit mistakes. We must observed the rules of order.
- HON. BENSON O. EBANKS:** This is all I am saying, Mr. President, I am going to obey the rules of the House and that is, that I yield when the Member states his Points of Order I will sit, if he does not state his Point of Order I will continue. I am not going to yield the floor.
- MR. PRESIDENT:** That is correct if you would yield the floor to the Chair for a moment again.
In order for the Chair to know whether there is a Point of Order I must hear what the interrupting Member wishes to say. There is no alternative to that. The Chair then has to decide whether there is a Point of Order and then the speaking Member resumes, there is no other way to do it.
- HON. BENSON O. EBANKS:** But, Mr. President, the Member must indicate that he is raising on a Point of Order. That is the point I am making. He just cannot jump up in his seat and talk.
- MR. PRESIDENT:** He did rise saying a Point of Order, that is exactly what he did say, now please resumed.
- HON. BENSON O. EBANKS:** Yes, Mr. President, let me carry on with his wonderful statistics of attendance here, Sir.
The Committee on Standing Orders - six meetings: First Elected Member zero, Second Elected Member two.
The Election Law - Five meetings: Both of them attended none.
Finance Committee meetings including the Economic Development Plan - 26 meetings: The First Elected Member attended three, the Second Elected Member 10.
Master Ground Transportation Plan - five meetings: The First Elected Member from Bodden Town attended one, the Second Elected Member neither.
So, Mr. President, if they are going to carry this to a select committee obviously they do not have any input to make in it because they have failed to attend any committee meetings that have been held in the past three and a half years. I understood the Member to say that he did not attend because of harassment, but, how in world can you harass a person who have never been to a committee meeting? Zero, zero, zero, three, one.
- MR. W. McKEEVA BUSH:** Just like his record in Social Services.
- HON. BENSON O. EBANKS:** Now, Mr. President, we can get down to answering a few of the more lamed up attempts that he made to discredit the Government.
He said that he has seen nothing or the country has seen nothing but lethargy on the part of this Government or that he has seen nothing. I can understand that he has not seen anything because most of the time he was in Seattle.
- MR. JAMES M. BODDEN:** Mr. President, this Member is going off into something that has really no business in the House.
- HON. BENSON O. EBANKS:** Mr. President, is this a Point of Order?
- MR. PRESIDENT:** No. In order that you give way. I would regard that as an interjection and I do not think it should be properly made at the microphone.
Would you at this point like to take the break?
- HON. BENSON O. EBANKS:** No, Mr. President, I want to make one more point.
He said that there is evidence of increased use of drugs in the country, generally at the High School and nothing is being done again about it.
I would like to read from the minutes or the memorandum of the minutes of a meeting held jointly between the High School and the Middle School on the 3rd of March in relation to drugs.

"Whilst it has not been proven that students are taking drugs while they are at school, there is no doubt that some students are on the fringes of the drug culture of the Cayman Islands. Regular attempts are made by pushers to sell drugs to students usually by peddling them through the school perimeter fence. Some students may be taking drugs before they enter school in the morning but there is no evidence that it is consumed at the school."

Now, Mr. President, if you search the records you will find that at least four cases, if not more, of drug abuse were investigated at the High School between 1976 and 1984. Children were expelled for it. There was no doubt that drugs were in the school as there were in other offices around the place.

Now Sir if you want to take the break because my next....ah....

MR. PRESIDENT:

Suspension for 15 minutes you mean?

HON. BENSON O. EBANKS:
longer.

Yes, my next intervention on drugs is going to be a little bit

MR. PRESIDENT:

Proceedings are suspended for 15 minutes.

AT 3:18 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:40 P.M.

MR. PRESIDENT:

Proceedings are resumed.
The Honourable the First Elected Member of Executive Council.

HON. BENSON O. EBANKS:
drugs and the general behavior in the schools.

Yes, Mr. President, when we took the break I was dealing with

Before I go on further with drugs generally, I would just like to read the conclusion of that joint meeting held between the High School and the Middle School Officials on the 7th March and this is the conclusion:-

"The schools are continually moderating the discipline situation and frequently make internal changes to improve discipline. For example, at the High School at present, a staff committee is examining the school rules and sanctions. It needs to be emphasised that in no sense has there been a breakdown in discipline in either school. The great majority of students are well behaved, polite and hard working."

I will not deal anymore with schools at this point because I believe that is the subject of another motion later on. I would only probably tie that in by saying that maybe the Mover of this Motion, the First Elected Member from Bodden, Town is really not aware of what threw his Government out of power in 1984. I would suggest that it had little to do with the utopia which candidates on the other side which now represents this side offered. The reason was probably more because the people realized that his Government had failed to deliver on the utopia which they had promised from 1982.

Mr. President, we have talked about how much money this Government spent. The truth of the matter is that this Government has spent its money wisely. The last Government spent every penny it could get. Some \$37,000,000 million dollar of it, tracing one illusive airline seat belt and unfortunately when they went out in 1984 they still did not have that seat belt.

While on the question of drugs, the Member went to great lengths about how this Government had soften the approach to the Liquor Licencing Law and one of his suggestions for remedying our ills was to amend the Liquor Licencing Law, put it back where licences were being sold for a \$100,000, \$150,000 and all would be well.

Mr. President, what this Government did with the Liquor Licencing Law primarily was to remove the anomaly that existed in the Law which said that a premises could not be licensed within a half of a mile or a quarter mile whatever it was, of a church, civic centre or school because it was an unfair condition to have in the Law.

If the Law had been upheld every licensed place in Bodden Town would have had to been closed down. They were all within that prescribed distance from the church or school or civic centre. What is worse, the only thing those Members did for Bodden Town during their term, was to build a civic centre where you can stand up in the front door and spit in the bar room, and then he is going to get up and talk about what this Government did about licenses.

Mr. President, I want to read from a booklet entitled "Prevention" from Her Majesty's Stationary Office and it is a report of the Advisory Council on the misuse of drugs. I am only going to read a small portion of this whole chapter to show that denying or decreasing the supply of a particular substance of abuse is not the answer or the panacea that the Member from Bodden Town seems to think that it is. And, I am going to read:-

"The consequences of changes in levels of supply for established users differ from those for experimenters. When supply is relatively easy for experimenters, example, alcohol, marginal changes in its availability by an increase or of a decrease in the number of outlet or in prices seems to produce corresponding changes in the total volume of heavy use in society.

But when supply is tight a slackening or tightening of that supply may have more dramatic effects for established users. A slackening may lead some at least, to increase their level of use quite considerably whilst a tightening may lead them to switch to a more freely available substance. This phenomenon of switching may have severe consequences for health. When for example, heroin supply falls, users may switch to other drugs, which, because of the form of preparation or the degree of purity, are more dangerous than heroin when injected.

In the United States, Operation Intercept, a campaign to seal off the Mexican border and prevent marijuana entering the United States is reported to have resulted in some marijuana users switching to a variety of more hazardous substances and there were waves of hospital admission.

In the United Kingdom there have been various campaigns at a local level to persuade shopkeepers not to displace adhesives on their shelves but there has been no details of the extent to which this is likely to make sniffers switch to more hazardous products."

This is the generalization, Mr. President, I want to read it I am not going any further with this paragraph, I have to save this for another purpose.

"In general, the effects of shortages of a particular drug are likely to depend on the availability of other substances. On the existence and attractiveness of alternatives

to elicit drug misuse, which might or might not include medicinal treatment and on various personal factors, affects of tightening controls and the supply of drugs could include as well as switching adulteration of supply, leading to the additional health risk associated with use of impure drugs and an increased possibility of accidental overdose when purer supplies are available.

Increasing prices motivate more crime by addicts and increasing the rewards for pushers and more full-time involvement and effort on the part of addicts to secure supplies. Evidently this is an area in which prevention policy must proceed with caution."

I have only read that to prove that cutting off the supply or heightening the prices is not the panacea as I said. All the policy of the last Government did was to open up more speak-easy joints. They did not decrease the supply, and since they had no licence to lose one could get it any hour of the day or the night. Nobody knew what they were getting to use. I too, Mr. President, must wonder if the dramatic increase in the use of cocaine in Cayman has not been caused to some extent by the draconian mandatory sentences imposed by the past Government.

When the discretion was taken from the Judge of the Courts people for a first offence for smoking a stick of ganja were jailed. May I add without any hope of any help from a Drug Counsellor. We at least have employed a Drug Counsellor and from all reports he is doing a good job. Of course, the Member for Bodden Town believes that the only answer to a problem is throwing money at it, but we believe that we put our social conscience where it should be and give the services.

He suggested that the hospital was the wrong place for the Centre. I would like to know where else in this country could a person go for help that they would be least suspected of going for some substance abuse problem since that is where all sick people go? He suggest that we get some place out where it is less well known. I wonder where that could be in Cayman that if Government built a Drug Rehabilitation Centre or Treatment Centre that the public would not know about it? As inquisitive as people are you would have cars lined up there seeing who went in and came out like you see them at the airport watching planes land and take off.

For the comfort of the Member and the Honourable Members of this House I had the privilege only last week at the Pride Conference in Atlanta of our discussing an approach to this problem with experts in the field who have endorsed our approach 100 per cent. The type of facility that the First Member for Bodden Town is suggesting is the one that the hard-hearted in the United States used to make big bucks off of poor people sufferings. There is more misinformation circulating about drug abuse than there is solid information and this Government, while it has taken its time, has made right decisions. This book confirms that. As I said, we brought it about in our first term - we did not talk about it. The man was in post last October I think it was, so it did not happen yesterday or today and the Member could not claim that it was as a result of the notice of his Motion since we only got it this morning.

As I listened to the Member I had to wonder whether he was aware of the business to come before this House because surely, in suggesting some of the remedies he did, he must have been anticipating and quoting from the Bill to be brought I guess now tomorrow morning. It is the one they tried to slip in to keep this debate out today.

When the Lighthouse School is mentioned that is the one time my heart feels good because it was under the pre-1976 Administration that the Lighthouse School was started. Where it got its name is because it was started near the Lighthouse in the old Church Hall in Boatswain Bay, largely by volunteer labour or help Government at that time had one paid employee running it but it has done a marvelous job, does the Member read the papers, Mr. President?

Only last week there was a picture of some of those children who have passed through that school cutting the ribbon to a stall in the Craft Market. And, that Craft Market again, was not an inheritance from that Government, that was built by this Government. We also opened the Sunrise Centre in West Bay and some of those kids are not only making arts and crafts, but some of them have paying jobs at the hospital and others at the Hyatt.

It is not true to say that Government has not concentrated more on the Lighthouse School. We have put an Early Intervention specialist at the Lighthouse School and a second Speech Pathologist. With the Service Clubs we are working to put more therapeutic wings on to it. So, the First Member for Bodden Town need not try to latch on to that and believe that he has any glory to gain from that. That would be like the woman with the three children in West Bay living in the foul coop. That is the same condition they were living in when the Member was there for eight years. What did he do about it? The Second Elected Member for West Bay took that matter in hand and helped. People who live in glass houses should not throw stones.

The one that gives me the greatest chuckle that he suggested was, "give us a Drug Counsellor. All you are doing is putting youngsters in Northward Prison." The Member must be living back in 1976 to 1984 Mr. President, that was their solution to the problem.

He wants to know what this Government did; as I said, we amended the Law about the mandatory sentence. I did get them to drop it for the second offence between 1980 and 1984 when I was a Backbencher but that is far as they would go. We have put the Drug Counsellor in. We introduced the release of prisoners convicted of drugs offences on licence and I hasten to say that that is probably one of the most successful programmes that I have seen instituted in this area. I do not know of one, certainly in my district, who has strayed from the straight and narrow once they have come through that process. We introduced suspended sentences and community service orders in lieu of the jail terms which they imposed on drug users.

He wants to know where are the parks that were promised are at. Well, I can tell him this that the National Council of Social Services which is an arm of Social Services of Government has opened at least two parks in George Town, one in West Bay and one in North Side.

The playing fields, you go down to West Bay in the night and the Town Hall field is so well lit that it lights miles around. Children are playing there like they never played before. You know what the Unity Team Government did in 1984 just before the election? They got about four lights that together gave about as much light as one candle, put them around the field and say "See what we did?" "We got a lighted field for you", and I understand it cost \$30,000.

But, what we have been able to do is to involve the community in providing community facilities and even now, the land that the Member is talking about behind the Town Hall in West Bay that he wants to capture for a housing estate is being developed largely by community effort in to additional playing fields and a park.

Now, I only have one problem about that land and that is, he is quite right that they paid I think is was about \$300,000 and odd for the total purchase of the land but they could have got an equal amount of land which was probably better suited for playing fields for \$150,000. It just so happened that the wrong person owned it.

Yes, there are termites in our society and Caymanians know them only too well. Caymanians know their label better than any exterminator in the business. And, if the Member believes that crying termite is going to get him elected in November, the exterminating team will be as active between now and November, as it was in early 1984, up to the elections.

But, to get back to playing fields. We not only created playing

fields we appointed a Sport Director which has paid good dividends. The same Community Centre in Bodden Town that I told you about and there is one in East End, that was unused are now opened and used for indoor sports. And, while I am at it Mr. President, I saw where the Second Elected Member wrote to the paper to say that nothing has been done for sport in Bodden Town. I want to invite him to take a drive up to the Civic Centre and look behind it and see if he does not see some hard courts that we put down. I bet you he does not know that they are there. I have been told by the Bodden Town people that he does not know and that they are going to tell him in November that he should pay better attention to what we are doing in his district for him.

Mr. President, they say we have not given any money to sports. In 1985, which basically was the Unity Team's figure in the Budget, it was \$20,000. 1988 we have \$60,000 as a Sport Grant. We have hired additional coaches, we are involving a Caymanian in coaching and we are going to send them off for further training. As an example of how sporting has taken on, in 1985 there were 13 sporting organizations registered in the Cayman Islands, today there are 24. Almost a 100 per cent increase.

Our athletes are producing or achieving greater and greater success aboard. This is due not only to Government's efforts but to the efforts of community-minded people. People, who during 1976 to 1984 kept to themselves because they were afraid if they said anything wrong they would get their tongues chopped off. That was the atmosphere in the country during that time Mr. President. We have been able to involve the community.

Now, the Member said, "Get us a School lunch programme so that children would no longer have the excuse of not being able to buy lunch for not going to school. From 1986, Mr. President, we have had a formalized lunch programme with a budget of \$25,000. The Member probably...well, I know it does not know what is going on.

Mr. President further work in the area of social development: Social Services Department with the cooperation of the Lions Club who provided the funds, started youth groups for boys and girls where they meet after school. There is a Prison Liaison group started in 1986, which is involved in therapeutic group work with prisoners as well as social services assistance to their families in the community. In the Social Services Department we have extended hours of service since 1984 and in fact, even on weekends and holidays there are Social Service personnel on call to the police in cases of emergency.

In 1987... see do not wait until an election year to ask for things or to do things. The Member said, "Give him and his colleague the right to go out and tell us who was in need and give them the money", they did not want any bureaucracy to encounter.

In 1987, we instituted a Home Health Aide programme and at the end of the year we had 26 Home Health Aides in place. Those persons go out and help persons in need of help within the home, particularly nursing help, because they all have to have some form of home nursing training. This is the service that did not exist before 1984.

In 1987 the East End Sunrise Cottage for the elderly was also opened, that, of course had some cooperation from the district but the bulk of the budget is paid for by Government.

We have posts where young school leavers or people in their last year of school could work during the summer with the Social Services to determine if this is the area of work they would really like to go off and qualify in.

Criticism was made of the amount that we have in the Budget for the Juvenile Rehabilitation Centre. That does not worry me. At least that is one better than what the Member admitted that he did. He said that some years ago he visited the schools in Jamaica and determined that they were not fit for Caymanians to be sent to. What has he done about it except come up in here and bemoan every time somebody is trying to do something? We have identified the land to site this facility on and plans presently are being prepared.

I do not know if I should go on enumerating anymore things. The one that gives me another chuckle is this ribbing they are trying to do of my pet project, you know, Mr. President, like the career guidance in the schools. If the First Member for Bodden Town was not present at least the Second Member should have been when I guess it was about 1986, it might have been 1985, yes! The budget of 1985. I made the point that I took no special pride in what was going on at the High School called a Careers Convention that lasted for two or three days. I called it a charade and I was asked by the Headmaster if I could withdraw that remark, and I said then and there that we needed proper career guidance in the schools. I think I said from Middle School up and we have achieved we that.

The counsellors are there not to the full extent that I had hope to see it, but we have made a start but let them tell me what they did about it in eight years? You know what is true Mr. President? In my belief there is more to career guidance than just keeping people from believing that all of them should be pilots or preparing them for bank manager's jobs. I believe that proper career guidance can give to people a sense of direction, a sense of self-worth, a pride in any job well done and acceptance of their talents used to their best ability. I believe that the lack of that service in our schools has contributed more to our drug problems and delinquency problems than any other single factor in this country. When people go in to professions because somebody tells them in the run of a two day period that it is a nice profession, it pays well, and at the end of five or six years they find out that they are a square peg in a round hole, they seek an escape and the easiest escape is probably to drugs.

I do not have to stand up here and blow my trumpet. Cayman knows and what is more, my electorate in West Bay know where I stand. The Member said he was glad for once the Second Elected Member and myself had accompanied the Carifta team to Jamaica. I have to admit that I was happy that the Carifta games coincided with other Government business that I had in Jamaica, which permitted me to see some of those games and to witness some of the triumphs of our athletes. But that is not the only thing I have done for sports personally in Cayman. I started the sponsorship for Scholars International in West Bay, the football club, who will have 10 years of successful operation this year. It is a pity that the Members from Bodden Town cannot brag of equal success. Not only have they been going for 10 years but they have been a credit to the district and to the country.

I will be honest with you Sir, I do not know if I should go on to some of the notes I have here because I would have people jumping up in their seats, but I am not about to stop. Any society is a reflection of the quality of leadership which it receives and I am submitting that the problems which we have in Cayman today is the fruit of the poor leadership of the Members of the last Executive Council. The problem does not lie with this Executive Council.

The Member mentioned about lending me his glasses in Cayman Brac. I had difficulty placing that reference then suddenly I realize that it was on the bus when we went over to the opening of the Cable and Wireless Exchange, because I remember one time he borrowed my glasses in Cayman Brac and that got him in trouble, because he extended the bar hours over there where he had no authority to do it and then he talks about us extending licences.

Mr. President, if that Member or the Members or Bodden Town really wanted to make a contribution to this community and society, they should have come out and helped us promote the Labour Law instead of that remarkable record of attendance zero out of 37 meetings.

They would have helped us with the Social Security Scheme that was promoted instead of joining that chorus of nincompoops who run around talking about financing it out of money from work permits fees. That, Mr. President, is where the future old people that they cry about in this country would get their help. Why did they not help us promote it if they really were concerned about helping this society. But boy, let me tell you something, I do not know about Bodden Town but West Bay people are not fooled

easily. They see through this big shopping list that has been presented here today about giving them more money for old people; "Overhaul Government's training and hiring policy that would give people hope", he says. That is a laugh, Mr. President.

I think he said that there were probably 20 people that could take scholarships a year. I know of no individual that meets the criteria for a scholarship that has not received it in one form or another from Government in my four years. What I should ask the Member is what encouragement is he giving to young people who have come back trained?

I wonder if he thinks that it is not well known the helping hand which he gave to fledgling youngsters with promises who entered the service under his time? That is documented, Mr. President. I am not going to produce it today, but when the time comes I am going to fly it in the air. And, what he should say is what example has he set in his own business in hiring Caymanians or training them? Charity begins at home and I think if you have a business the place to show your concern for young people is to get hold of them and teach them at least your trade and give them hope, not go out and hire these high-powered people and not give them an opportunity to train a young Caymanian.

Mr. President, on the question of the grant money that was voted in the 1987 Budget for Housing Assistance. I too am not proud of the fact that we did not spend more of that money. I see the Second Member rushing for his pen but he better not start to write as yet because I am not finished. But the Social Services Department is no different from any other individual or organisation in this country. They found difficulty in having work done. There was an instance in Bodden Town for example, that was identified where the Member was told if he could help them find someone to do the work they would provide the money and material, and to the best of my knowledge, the Member was unable to help.

Now what has happened for 1988 is that with the cooperation and help of the sanitary engineers from the Environmental Health Department we have been able to achieve a lot more and of course the ever-present Service Clubs, the members that are so willing to give a hand.

But we all know how difficult it is to attract carpenters to do small jobs and that is the reason why less money was spent in 1987 than we had hoped. I do not want anybody to get the impression that that money was put in the Budget by the two Members from Bodden Town. That was there when it came to the House and all they did was to ask the question why it was spent?

We got two other Motions coming and I am not going to take any more time on this one. But, I am going to summarize my contribution to this debate in a few short words, and that is, that this Motion should be put in the waste basket along with the attendance record of the two Members who brought it. That is the attendance at committees of the House, because that is where a record like they have belongs in the waste basket not on the floor of this House seeking at this late hour to get some political mileage out of something they should have said in February.

I am urging Members, Mr. President, to do exactly as I have suggested. Let us put this in the waste basket. Now I realize we can not crumpled it up and put it in the waste basket, but when we vote "no" we want it to be so loud that the paper will jump up and go in the basket. Thank you Sir.

MR. PRESIDENT:

The Honourable the First Official Member.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:
House until 10 o'clock tomorrow morning.

Mr. President, I move the adjournment of this Honourable

QUESTION PUT: AGREED.

AT 4:34 P.M. THE HOUSE STOOD ADJOURNED
UNTIL 10:00 A.M. FRIDAY, 22ND APRIL,
1988.

MR. PRESIDENT:

The House stands adjourned accordingly.

**SECOND MEETING OF THE 1988 SESSION
OF THE CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**FRIDAY, 22ND APRIL, 1988
(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, OBE	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 1988 SESSION OF THE
LEGISLATIVE ASSEMBLY**

**FRIDAY, 22ND APRIL, 1988
(FIFTH DAY)**

1. PRAYERS

To be read by the Elected Member for East End

2. PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE STANDING BUSINESS COMMITTEE
(Meeting held on 15th April, 1988)

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 OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE
AND DEVELOPMENT**

No. 10: Would the Honourable Member say:-

- (a) What was the Government's surplus revenue on 31st October, 1984;
- (b) What were the general reserves on 31st October, 1984;
- (c) What were the charges/set-offs against the reserves as of 31st October, 1984;
- (d) What was the Government's overdraft at Barclays Bank PLC as at 31st October, 1984; and
- (e) Taking the foregoing into account, what was the Government's Treasury net financial position as at 31st October, 1984?

No. 11: Would the Honourable Member state:

- (a) What is the amount of general reserves and surplus as of 31st March, 1988
- (b) What are the charges/set-offs presently against the reserves; and
- (c) What was the surplus revenue for 1987?

4. GOVERNMENT BUSINESS

BILLS:-

FIRST AND SECOND READINGS

- (1) The Misuse of Drugs (Amendment) Bill, 1988

COMMITTEE THEREON

- (2) The Misuse of Drugs (Amendment) Bill, 1988

REPORT THEREON

- (3) The Misuse of Drugs (Amendment) Bill, 1988

5. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:

- (1) **PRIVATE MEMBER'S MOTION NO. 4/88**
Appointment of Select Committee to consider conditions
and to find solutions for Islands' problems

Continuation of debate thereon:

- (2) **PRIVATE MEMBER'S MOTION NO. 5/88**
Appointment of Select Committee to find solutions for
the schools and medical systems' problems

To be moved by the First Elected Member for Bodden Town.
To be seconded by the Second Elected Member for Bodden Town.

- (3) **PRIVATE MEMBER'S MOTION NO. 6/88**
Appointment of Select Committee to consider methods
for curtailing Government's borrowings and spending

To be moved by the First Elected Member for Bodden Town.
To be seconded by the Second Elected Member for Bodden Town.

6. Adjournment

To be moved by the Honourable First Official Member, Leader of
Government Business.

TABLE OF CONTENTS

	PAGE
Prayers	1
Presentation of Papers and Reports	
Report of the Standing Business Committee (Meeting held 15th April, 1988)	1
Government Bills	
First Reading	
The Misuse of Drugs (Amendment) Bill, 1988	1
Second Reading	
The Misuse of Drugs (Amendment) Bill, 1988	1
DEBATE	
Hon. Benson O. Ebanks	2 - 8
Mr. W. McKeeva Bush	8 - 9
Mr. G. Haig Bodden	9 - 11
Mr. D. Ezzard Miller	11 - 12
SUSPENSION OF STANDING ORDER 23(7)	
Questions to Honourable Members	
Question No. 10	13
Question No. 11	14
Continuation of Second Reading debate on The Misuse of Drugs (Amendment) Bill, 1992	
Mr. Linford A. Pierson	16 - 19
Adjournment	19

FRIDAY
22ND APRIL, 1988

10:11 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.

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 the light of His countenance upon us and give us peace now and always. Amen.

APOLOGIES

MR. PRESIDENT:

Proceedings are resumed.

At Wednesday's Sitting I should have conveyed the apologies of the Honourable First Elected Member of Executive Council for his absence. Papers. The Honourable 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 which met on Friday 15th April, 1988 to deal with matters on Business Papers numbers 1, 2 and 3.

MR. PRESIDENT:

So ordered.

Questions. The Second Elected Member for West Bay.

QUESTIONS TO HONOURABLE MEMBERS

HON. THOMAS C JEFFERSON:

Mr. President, when I left the Government Administration Building the answers to the questions were still being printed out by the computer, but with the consent of Members of the House I will be in a position later on to answer the questions if the House allows me to do so.

MR. PRESIDENT:

Thank you.

Item 4 of the Order Paper - Government Business, Bills. First Reading.

GOVERNMENT BUSINESS BILLS

FIRST READING THE MISUSE OF DRUGS (AMENDMENT) BILL, 1988

ACTING CLERK: THE MISUSE OF DRUGS (AMENDMENT) BILL, 1988.

MR. PRESIDENT:

A Bill entitled the Misuse of Drugs (Amendment) Bill, 1988 is deemed to have been read a first time and is set down for Second Reading.

SECOND READING THE MISUSE OF DRUGS (AMENDMENT) BILL, 1988

ACTING CLERK: THE MISUSE OF DRUGS (AMENDMENT) BILL, 1988.

MR. PRESIDENT:

The Honourable the First Elected Member of Executive Council.

HON. BENSON O. EBANKS:

Mr. President, I beg to move the Second Reading of a Bill entitled, A Bill for a Law to Amend the Misuse of Drugs Law (Second Revision).

This Bill seeks to make a few unconnected amendments to the Misuse of Drugs Law (Second Revision) and also seeks to add 15 new sections, mostly making provision for the covering of the proceeds of drug trafficking, but also making provision for the establishment of the Advisory Council on Misuse of Drugs.

Clause 2, seeks to amend section 2, the interpretation section, by inserting four new definitions of expressions used in some of the proposed new sections.

Clause 3, seeks to add a proposed new section 2A to the Law establishing a statutory body called the Advisory Council on the Misuse of Drugs. It is sought to confer on that Council a general duty to keep under review the drug situation in the Islands and to advise the responsible Member on measures which they think ought to be taken for preventing the misuse of drugs or dealing with social problems connected with their misuse.

Clause 4, seeks to clarify that the offence under section 3(1)(m) of possession with intent to supply is an offence in the Islands whether or not the supply is to be within the Islands or elsewhere.

In Clause 5, it is sought to amend section 16 which deals with forfeiture to make it complementary to propose the new section 16A which seeks to relate to confiscation orders.

Clause 6, seeks to add 14 proposed new sections to the Law to be numbered 16A to 16N, inclusive.

The proposed new sections 16A to 16E, deal with the procedure to be followed in Court when a person is convicted of a drug trafficking offence. The procedure specified in these proposed new sections is mandatory and must be completed before the offender is sentenced for the offence.

The proposed new section 16F and 16G, seek to provide machinery to prevent a person suspected of drug trafficking from disposing of property before it can be dealt with under a confiscation order. The Grand Court is empowered to make restraint orders in cases where proceedings are in process or have not yet been instituted.

The procedure for the enforcement of confiscation orders, through the appointment of a receiver by the Court, is sought to be provided by proposed new section 16H.

Proposed new section 16I, seeks to make provision for the application of sums realised by a receiver appointed under proposed new section 16G or 16H.

Proposed new section 16J, seeks to lay down general principles affecting the exercise by the Grand Court and by any receiver appointed by it of the various powers given to them.

Provision is sought to be made in proposed new section 16K, for the payment of compensation to persons whose property is affected by such orders and who suffer substantial loss as a result if the criminal proceedings do not lead to an effective conviction for a drug trafficking offence.

Proposed new section 16L and 16M, seek to make provision for the investigation of drug trafficking providing for orders for production of material relevant to such investigations and for search warrants to be issued in certain cases.

Proposed new section 16N, seeks to contain a number of miscellaneous provisions affecting the proposed new sections.

By Clause 7, it is sought to amend section 18 by providing with the reference to legislation therein mentioned do not apply in the case of certain offences where the drug involved is not a hard drug and where it weighs less than two ounces.

Mr. President, I believe this Bill is the most important Bill to come before this Honourable Assembly in a long time. I believe that if the country is agreed on one matter, it is that either we remove this scourge of drug abuse from our society now or it will completely ruin the country.

This Bill seeks to attack the problem of drug abuse in two main ways. Firstly, by establishing the Advisory Council on the Misuse of Drugs, which Council will seek to mobilise those concerned citizens in the community to assist with the war against drug abuse. There is no easy solution to this problem, just as there is no simple or singular cause for drug abuse. But, it is generally agreed that education of the community as a whole is perhaps the single most effective means of combating this monster.

By educating the community and driving home to them the damaging and ruinous effects of drug abuse to themselves and the country it is hoped to reduce, if not eliminate, the demand for illicit drugs in the community.

As an additional method of dealing with persons convicted of possession of illicit drugs for their own consumption it is proposed, by Clause 7 of this Bill, to amend section 18 of the Misuse of Drugs Law (Second Revision) to allow for the use of probation in those instances where it is considered by the Court to be appropriate and where the quantities in question imply that the person in possession of the drug is a user and not a dealer. This approach acknowledges that drug abuse and misuse is an illness and will be treated as such.

The second attack by the provisions of this Bill on the misuse of drugs is by reducing the supply of drugs to users or would-be users in the community. This is sought to be achieved by hitting the pushers of illicit drugs where it hurts most - in the pocket.

After the coming into effect of this Bill it will be possible, indeed mandatory, for the Courts, while sentencing a person convicted of drug trafficking, to determine to what extent that person has benefited financially from drugs trafficking for up to six years previous to the date of the commencement of the proceedings which result in his conviction and to order the assets of that person, derived from drug trafficking, to be forfeited to the Crown. The Bill makes elaborate and explicit provisions for the recovery of proceeds of drug trafficking from a person convicted of such a crime. This is a clear message to those trafficking in our community to give up this wicked practice now. To stop dealing in drugs or to run the risk of losing everything they have ever made from drug trafficking up to six years previously.

These may seem like harsh measures, but serious illness needs strong medicine and it has been proven in other countries that this approach works. No one can deny that a drug trafficker is to all intents and purposes a murderer, whether he realises it or not, because drugs kill. We cannot allow a few money-hungry people to ruin our society, and it must be stopped now.

As I have said, this Bill seeks to attack the misuse of drugs in two ways. One is the reduction of the demand for the drug and the second is reducing and hopefully eliminating, the supply of illicit drugs. Of course the first of these measures is the responsibility of my Portfolio and I will deal in detail with that. The second is more of an enforcement matter and therefore falls under the Portfolio of the Honourable Second Official Member of Executive Council. Where I fall down in dealing with those measures in the Bill, I am sure he will set me straight and also the House.

I will not deal with the definition section of the Bill. Those are quite straight forward, so I will move immediately to Section 3 of the Bill which seeks to insert a new section 2A and deals with the establishment of the Advisory Council.

Proposed section 2A states that:

"2A. (1) There is hereby established an Advisory Council on the Misuse of Drugs.

(2) The Governor shall appoint a chairman, a deputy chairman and not more than ten nor less than five other members of the Advisory Council, after consultation with such persons as he considers appropriate, and such members shall include -

(a) at least two persons appearing to him to have wide and recent experience in the respective health professions of medicine and pharmacy, within the meaning of the Health Practitioners' Law, 1974; and

(b) at least two persons appearing to him to have wide and recent experience of social problems connected with the misuse of drugs and other substances."

(3) It shall be the duty of the Advisory Council to keep under review the situation in the Islands with respect to controlled drugs and other substances which are being or appear to them likely to be misused and of which the misuse is having or appears to them capable of having harmful effects sufficient to constitute a social problem; and to give to the Member, where either the Advisory Council consider it expedient to do so or they are consulted by the Member, advice on measures which in the opinion of the Advisory Council ought to be taken for preventing the misuse of such drugs and other substances or dealing with social problems connected with their misuse, and in particular on measures which in the opinion of the Advisory Council, ought to be taken for -

(a) restricting the availability of such drugs and other substances or supervising the arrangement for their supply;".

Now, I would pause here to point out that this should not be misinterpreted to mean that the Advisory Council would supervise the arrangements for the supply of drugs as we commonly know them. What this refers to is prescription drugs which are also drugs of abuse, in fact, are in some respects more harmful or as much harmful and as addictive as cocaine or ganja or any other such drug. What this does mean is that the Council can advise on measures affecting our Pharmacy Law which incidentally, is woefully out of date and does need amendments and updating, and I would hope that this would be one of the first jobs that this Advisory Council might be able to take on. I know that they are going to have their hands full, but this is a very much needed thing. I believe that there are drugs that are passing over the counter today as non-prescription drugs that should certainly be limited to supply only by prescription. Of course I am not saying that it exists in the Cayman Islands, but it is also known that doctors and pharmacists over-prescribe on drugs and in fact, are some of the greatest offenders on occasion.

To continue, the Council will advise on measures which in their opinion ought to be taken for -

(b) "enabling persons affected or likely to be affected by the misuse of such drugs and other substances to obtain proper advice, and for securing the provision of proper facilities and services for the treatment, rehabilitation and after-care for such persons;

(c) promoting co-operation between the various persons, clubs, societies, associations or other bodies, or any department, branch, agency or organ of Government, which in the opinion of the Advisory Council have a part to play in dealing with social problems connected with the misuse of such drugs and other substances;

(d) educating the public or a section of the public in the dangers of misusing such drugs and other substances, and for giving publicity to those dangers."

This is the most important section as education of the community is, in my opinion, the greatest weapon available in stemming the abuse of drugs. And here I would like to say that Government, as well as CASA, the organisation known as Cayman Against Substance Abuse, are already examining various programmes which have been found to work well elsewhere for the purpose of educating school children and parents.

We have people and organisations who have indicated their willingness to come to the Islands to train our teachers and others in the community to teach drug education. It is Government's intention that this training be made available to private as well as Government schools. It is Government's intention also, to make training available to all persons working with youth and parents, for example, Scout and Girl Guide leaders, leaders of church affiliated groups and other like community organisations.

Perhaps I should mention, that it agreed amongst the experts that the teaching of drug education is a very technical and professional job. For example, it is held that drug education should be taught as part of a wider curriculum such as Skills for Living and/or a course dealing with healthy life-styles, highlighting such subjects as diet and exercise and enlightened parenting.

Informed opinion believes that drugs education taught in isolation can and does cause more harm than it does good. For example, drug education wrongly taught can create curiosity rather than awareness and thereby lead to experimentation which youngsters would not otherwise do.

We have had some detailed discussions with some of the persons offering these courses and it appears that they are receptive to devising a curriculum suited to our needs. I stress this because if my information is correct, it is important that whatever educational programme is put in place in these Islands takes into account this community.

Drug abuse has one common thread woven through it and that is escape. But the reasons for escape differ from community to community and it is important that we research and try to determine some of the causes of why young persons are turning to drugs in Cayman in apparently more increasing numbers. Then and only then, will we be able to stem the tide of this awful scourge.

The book I read from yesterday, the Report of the Advisory Council on the misuse of drugs from the United Kingdom, entitled Prevention, makes this point very strongly that education programmes cannot be taught in isolation and they cannot be copied without reservation from another town. The example they give is that a programme that has been successful in West London cannot necessarily be transplanted to Central London and derive the same benefit. So we are aware of the fact that we have to tread carefully. But, I believe that we have the contacts who have the resources to once and for all put a field of workers out there in this community that the results to be dramatic and I hope, lasting.

In this connection I should point out that our training will include persons who are trained to be trainers of counsellors. These people will be selected carefully from our teaching staff, but it will mean that we will always have resource personnel who know what they are doing to upgrade and amend our course as more and better information comes to hand.

The Council will be involved in promoting research into, or otherwise obtaining information about any matter which, in the opinion of the Advisory Council, is of relevance for the purpose of preventing the misuse of such drugs and other substances or dealing with any social problem connected with their misuse.

It shall also be the duty of the Advisory Council to consider any matter relating to drug dependence or the misuse of drugs or other substances which may be referred to them by the Member and to advise him thereon.

The Advisory Council may appoint one or more committees which may consist in part of persons who are not members of the Advisory Council to consider and report to the Advisory Council on any matter referred to them by the Advisory Council. This ability to appoint committees, means that anyone who is willing to lend a hand can be involved. For example, if CASA which is likely to have at least one representative on the Council, they as a body, can still do a lot of work because their other members can form themselves into committees or become members of committees formed to do research, take assessment polls, determine the effectiveness of programmes, a multitude of things. For example, it could be one of those committees that would advise on the amendment to the Pharmacy Law.

At meetings of the Advisory Council, the quorum shall be one half of the members appointed and subject to that, the Advisory Council may determine their own procedure.

"(7) The Governor, in the exercise of his own deliberate judgment and subject to such conditions as he may impose, shall approve of the secondment of a public officer (not being a member of the Advisory Council) to be the secretary of the Advisory Council to perform all the secretarial and clerical functions thereof and to attend all its meetings and take minutes of the business transacted thereat."

This provision, is to ensure action and continuity. For example, we have all seen very vibrant volunteer organisations in the community dwindle from time to time for one reason or another. Mostly it is because the one or two committed people and driving forces behind the organisation have to give up, for one reason or another. For example, they may leave the Islands because of a transfer in their job employment, they may even take a better job offer elsewhere or it could be a lady who becomes pregnant. We have seen all of this and therefore we feel that a paid secretary is essential to keep this most important body going.

The Public Officer seconded under proposed section 2A(7) of Clause 3, which I just read, shall be paid such remuneration as the Governor may determine, but in relation to salary, pension, gratuity and the like and to other rights and to discipline as a Public Officer shall be treated while so seconded as if he were not so seconded. Now, I am sure Members will recall that as a standard provision in all of our statutory bodies which this Government has been creating over the last couple of years.

Mr. President, proposed section 2A(9) of Clause 3 goes on to state:

"(9) In this section -

"Advisory Council" means the Advisory Council on the Misuse of Drugs established under subsection (1);

"Member" means the Member of Executive Council responsible for health matters."

Section 4 of the Bill seeks to amend section 3 of the principal Law, that is the Misuse of Drugs Law (Second Revision)," by inserting;

"and whether in the Islands or elsewhere" immediately after "person" where that word appears for the first time in the third line of paragraph (m) of subsection (1)."

The effect of that amendment, is that paragraph (m) of subsection (1) of section 3 of the Misuse of Drugs Law (Second Revision) will now read:

"3. (1) Whoever, without lawful excuse or without being authorised in that behalf, -

(m) has in his possession, whether lawfully or not, with intent that it be supplied, whether by himself or some other person, and whether in the Islands or elsewhere" to another person in contravention of this subsection

any controlled drug, pipe, utensil or thing used in the preparation or consumption of any controlled drug, or who attempts, assists or is concerned in any of such matters, is guilty of an offence."

It will be seen that this widens the net to mean that any conspiracy with a person within or without the Islands to basically deal in drugs or to supply them within or without the Islands is caught now under this provision. This is essential so that we do not get persons conspiring or taking part in the exportation or the importation of drugs as well as the supply of them locally.

Section 16 of the principal Law is amended by Clause 5 of the Bill by deleting "Subject" and substituting;

"Notwithstanding and not in derogation of section 16A, but subject".

So, section 16 of the Misuse of Drugs Law (Second Revision) will now read:

"Notwithstanding and not in derogation of section 16A, but subject to subsection (2)...." etcetera, etcetera.

Now the meat of the matter before us, when I say the meat of the matter or the rest of the meat because as far as I am concerned the best part of the meat has already been passed and that is the establishment of the Advisory Drugs Council, but the rest of the provisions are contained in Clause 6 of the Bill. This amends the principal Law by inserting 14 new sections immediately after section 16. The first of these is section 16A(1).

Before I go on to that, I think I should make it clear that what we are seeking to do here is to broaden a provision which has already existed in the Law. By this I mean that section 16 of the old Law already made it possible for the Court to forfeit any monies or thing which related to the

commitment of the offence for which the person was convicted. The difference with this is that the new proposed section broadens this net to include assets or property that are the proceeds of any drug trafficking offence going back up to six years prior to the offence for which this specific conviction takes place.

Proposed section 16A reads:

"16A. (1) Where a person, who has not previously been sentenced or otherwise dealt with in respect of his conviction for that offence, appears before a court to be sentenced in respect of a drug trafficking offence, the court shall act in accordance with subsections (2), (4) and (5)."

And for ease of reference maybe Members would like to just add: "... of this section.". The lawyers will know what it means, but I have penciled in "of this section".

Proposed section 16A(2), says:

"(2) The court shall first determine whether he has benefited from drug trafficking."

Proposed subsection (4) says:

"(4) If the court determines that he has so benefited, it shall, before sentencing or otherwise dealing with him in respect of the offence, determine in accordance with section 16E the amount to be recovered by virtue of this section.

- (5) The court shall then, in respect of that offence-
- (a) order him to pay that amount;
 - (b) take account of the order before -
 - (i) imposing any fine on him;
 - (ii) making any order involving any payment by him; or
 - (iii) making any order under section 16; and
 - (c) subject to paragraph (b), leave the order out of account in determining the appropriate sentence or other manner of dealing with the person against whom proceedings have been instituted for the drug trafficking offence."

Proposed section 16A(7) makes it clear that where the court makes a confiscation order they shall be treated in all respects as if they were fines and imprisonment in lieu of non-payment of fines imposed by the Court under those sections, that is 24 and 25 of the Penal Code.

Proposed section 16B, talks about the variation of confiscation orders. I should make it clear that I do not intend to read every word in this Bill. I am going to deal with those sections which I think are of interest to the general public and may be of concern to Members and, of course, I will have the opportunity to wind up. Even more importantly I have the Honourable Second Official Member of Executive Council in the batting order to pick up anything that I may miss.

However, proposed section 16B(2)(b) states:

"(b) The court may disregard any inadequacy in the realisable property which appears to the court to be attributable wholly or partly to anything done by the person against whom the proceedings have been instituted for the purpose of preserving any property held by a person to whom he had directly or indirectly made a gift caught by this Law, as defined in subsection (1) of section 16N, from any risk of realisation under section 16H."

What this really says is that the court can order the recovery of realisable property given away for the purpose of defeating this provision.

Section 16C, I regard as important because it goes on to talk about assessing the proceeds of drug trafficking and I think people should know what the Bill, or the proposed amending Law, says about that.

"16C. (1) The court may, for the purpose of determining whether the person against whom proceedings have been instituted for a drug trafficking offence has benefited from drug trafficking and, if he has, of assessing the value of his proceeds of drug trafficking, make the assumptions mentioned in subsection (2), except to the extent that any of them are shown to be incorrect in his case."

- (2) Those assumptions are -
- (a) that any property appearing to the court-
 - (i) to have been held by him at any time since his conviction; or
 - (ii) to have been transferred to him at any time since the beginning of the period of six years ending when the proceedings were instituted against him whether before or after the date of commencement of the Misuse of Drugs (Amendment) Law, 1988, was received by him, at the earliest time at which he appears to the court to have held it, as a payment or reward in connection with drug trafficking carried on by him;
 - (b) that any expenditure of his since the beginning of that period was met out of payments received by him in connection with drug trafficking carried on by him;
 - (c) that for the purposes of valuing any property received or assumed to have been received by him at any time as such a reward, he received the property free of any other interests in it.

(3) For the purpose of assessing the value of the proceeds of drug trafficking of a person against whom proceedings have been instituted for a drug trafficking offence in a case where a confiscation order has previously been made against him, the court shall leave out of account any of his proceeds of drug trafficking that are shown to the court to have been taken into account in determining the amount to be recovered under that order."

So, what I want to say here is that I know we will probably hear that we are switching the onus of proof, but this is standard procedure world-wide now when dealing with drug trafficking offences. No one in Cayman can claim that they are unemployed because of a lack of work to be done.

My advice to those people who rely on the sale of drugs for their livelihood is that as of now they should give it up, cut their losses, get a job and live from the sweat of their brows. Otherwise they stand to lose whatever they might have accumulated.

Having said that, there are many provisions in the Bill where those persons who might have been mistaken for dealing in drugs and against whom orders were made, for them to appeal that or they may even be acquitted in the first instance or their conviction may be quashed on appeal. Further, there is provision for compensation to those people. So the measure is not draconian in terms of its dealings with innocent people who may have been wrongly accused.

There is provision in determining the proceeds of drug trafficking for the prosecution and the accused or convicted person to agree, before the court, on what is to be the amount of the proceeds of drug trafficking to be taken into account. I would like to call specific attention to section 16D (6) which says that where if a person does agree on the fact that he has received payment or reward in connection with drug trafficking carried on by him or another, that admission cannot be used by the court or the prosecution in any proceedings for an offence.

In other words, if a person is convicted today of an offence and he agrees with the court that he sold drugs two months ago for \$2 million or whatever, and I have conspired and got payment to deliver a shipment the following month, the mere admission of that in the settlement of this offence cannot be used in the prosecution of the offence if it is instituted against him. It avoids what we commonly know, in laymen's jargon, as double jeopardy.

There is provision and protection under section 16E(5) where mortgages to banks and others are protected in any case where they have a legal interest in property, and under subsection (6)(b) secured creditors, again such as banks or even businesses which are secured, are protected so that this does not let go a monster that takes away any legal right from any person who has a legal right to property that is in question - providing that they did not connive with the person.

There is provision too, under section 16F(3) where the prosecution cannot hold up a case or a prosecution indefinitely, because it says that the court can discharge the order if the proposed proceedings are not instituted within such time as it considers reasonable.

Now section 16G, deals with restraint orders and it is important to note that a restraint order may be made only on an application by or on behalf of the Attorney General. This is important because it means that the highest legal arm of Government has to sanction the application. The restraint order basically allows for the prevention of a person accused, charged or about to be charged, from dealing in any assets which may be identified and named in the restraint order. But again, care is taken that bankers, merchants or any mortgagee or person with legal interest in these properties or items are given notice and there they have an opportunity to make representation and their interest protected.

Section 16G(5) gives to the court the power to appoint a receiver who can take possession of a business. For example, if it is a business that is involved in the forfeiture and operated as an ongoing business having to account for the proceeds, and if the person was wrongly accused the person would naturally get the money along with any other damages from Government.

Section 16H - Realisation of property. Subsection (1)(b) may raise some eyebrows when it says:

"the order is not subject to appeal; and".

But, Members should see subsection (8) because it is really the order that is not subject to appeal. Appeal can be made against the conviction and the confiscation order remains in force until the charge in drug trafficking has been dealt with before the court. However, under subsection (8) there is provision for appeal under certain circumstances.

MR. PRESIDENT:
seems a useful moment.

Would you like to take a break now? Would it be convenient? It

HON. BENSON O. EBANKS:

Yes, Sir. I would not mind a cup of coffee now.

MR. PRESIDENT:

Proceedings are suspended for 15 minutes.

AT 11:16 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:45 A.M.

MR. PRESIDENT:
Member of Executive Council.

Proceedings are resumed. The Honourable the First Elected

HON. BENSON O. EBANKS:

Mr. President, when we took the break I was dealing with section 16H - Realisation of property. I was talking about subsection (1)(b) which states that the order is not subject to appeal and I called attention to subsection (8). I believe that for clarity I should elaborate a bit further on those two subsections.

What these two subsections when read in conjunction really mean is that when an application is made on behalf of the Attorney General for the realisation of the property, subsection (8) really says that the order in fact cannot be made until all possible avenues of appeal have been exhausted. So subsection (1)(b), which states that the order is not subject to appeal, really means that once all possible avenues of appeal have been exhausted then the order itself is not subject to appeal. Even if that is out of time or it has not been brought, it has to be exhausted. What the Bill really says is that one cannot take an appeal all the way to the Privy Council and then turn around and appeal the order as well. So it is made very clear.

In this same subsection dealing with the realisation of property, there is ample provision again for those persons, shall I say, unwittingly and innocently caught by the acts of another to protect their interest. For example in subsection (6) it states that:

"The court may order any person holding an interest in realisable property to make such payment to the receiver..."

that is the receiver appointed on the application of the Attorney General

"...in respect of any beneficial interest held by the dependant or, as the case may be, the recipient of a gift caught by this Law, as defined in subsection (1) of section 16N, as it may direct and it may, on the payment being made, by order transfer, grant or extinguish any interest in the property."

What this is really saying is that if the residual benefit to the defendant is small enough, that for example a bank or even a case where the defendant is in partnership with another person who entered into that partnership with all honesty of purpose, but would suffer loss if the property was in fact sold or its value realised, the court can order or allow that partner or the bank to make payment to the extent of the interest of the defendant and then the innocent party would be able to hold the property with all interest extinguished.

Subsection (7) of section 16H says:

"The court shall not in respect of any property exercise the powers conferred by subsections (5) or (6) ..."

and that is the power for the receiver to realise any realisable property or to take such action, as I mentioned, under subsection (6)

"...unless a reasonable opportunity has been given for persons holding any interest in the property to make representations to it."

That is an opportunity to prove non-complicity in the crime and that their interest is *bona fide*. In other words, that they acted in good faith and exercised proper business judgment and discretion. I am certain that throughout life all of us have sometimes been let down by people whom we may have entered into business with and it would be unreasonable if a person who, unwittingly, entered into a business or partnership with somebody had to suffer unreasonably because of that other person's misdeeds.

I am quoting these to show that while the Bill gives wide and strong powers to move against a drug trafficker, it also is fair to those persons who may be innocently caught up in the web somewhere.

I would also call attention to subsection 16J(3):

"(3) In the case of realisable property held by a person to whom the person against whom the proceedings have been instituted has directly or indirectly made a gift caught by this Law, as defined in subsection (1) of section 16N, the powers shall be exercised with a view to realising no more than the value for the time being of that gift."

Again, I see this as covering for example, where two persons may have owned property in common and the defendant, knowing that he was going to be prosecuted, made a gift to the other party. I understand this to say that in moving against this property the Court would order that only the percentage owned by the defendant would be moved against. Not that part that was obtained by the other party through legal and rightful means.

Section 16K, is important. This provides for the compensation where proceedings:

"16K(1) ... are instituted against a person for a drug trafficking offence and either -

(a) the proceedings do not result in his conviction for any drug trafficking offence; or

(b) where he is convicted of the offence -

(i) the conviction concerned is quashed without a conviction for any other drug trafficking offence being substituted; or

(ii) Her Majesty has granted pardon in respect of the conviction,

the Grand Court may, on an application by a person who held property which was realisable property, order compensation to be paid by the Government to the applicant."

And there are provisions, for the payment of that compensation.

Section 16L, makes provision for a constable to apply to the Grand Court for an order to obtain material of a particular description in connection with a drug trafficking offence.

Now, some may argue that this is in contravention or abrogation of the Confidential Relationships (Preservation) Law, but I would suggest that before making that statement they check that Law because such powers as are contained here are already contained in that Law. It is not anything new and certainly it does not go as far as the arrangement under the Narcotics Exchange of Letters Agreement.

Under section 16M, where a constable for the purposes of investigation into drug trafficking applies to the court and satisfies the court that he has reason to believe that the powers or conditions, which if he is satisfied under 16L have not been complied with, in other words, where a person is withholding information or hiding it, that he can ask the Court for authority to go in and search. That again, is covered in my opinion, under the Confidential Relationships (Preservation) Law.

The last section which I care to deal with at this point, is perhaps what I consider one of the most significant provisions in this Bill. That is that, for the first time the Bill seeks to introduce the concept of probation sentences in the case of users in relation to their possession for personal consumption. In other words, if a person is arrested for the possession of a controlled drug but it is of a description and quantity mentioned under the principal Law, which as I understand it attempted to differentiate between a user and a supplier, and he is caught and it fits into the category of possession for personal consumption, then the probation order can be used.

Section 18 of the principal Law previously prohibited the use of the Probation of Offenders Law in all convictions relating to the misuse of drugs. It is felt that where a person is convicted for possession only in respect of a controlled drug for his personal consumption, the benefit of a probationary sentence should be available because this can do a lot to place the person into a rehabilitation programme rather than incarcerating the person in Northward Prison.

This to me, is forward looking legislation. It is realistic, it is humanitarian. I would hope that Members will support the Bill in its entirety and, in particular, have no difficulty in supporting this section. So that we all know what I am talking about with regard to the quantities and the types, I am dealing with Clause 7 which amends section 18 of the principal Law. For this to be applicable it has to be a controlled drug that;

"(a) is not a hard drug, is less than one pound in weight, and the power of sentence for that offence is contained in subsection (2) of section 13; or"

... and what that really means is ganga ...

"(b) is less than two ounces in weight and the power of sentence for that offence is

contained in subsection 4 of section 13."

similar substance of abuse.

What we are really talking about there is cocaine or such other
I commend this Bill to the House and I hope that Members will find it possible to support it. As I say, in general terms, it has basically three main concepts. One, is the establishment of the Advisory Drugs Council which will enable those public spirited and concerned citizens in our community to help take an active part in eradicating the whole drug usage problem what we commonly know as 'doing drugs' and treating and rehabilitating addicted persons. I am satisfied that the community is sufficiently concerned about this to make an effort to help Government and all of us beat this scourge at this time.

The other provision of importance is the one which I mentioned lastly, and that is Clause 7, which introduces the concept of the probation sentence for offenders for possession for personal use. I do not want people to get the impression that a probation sentence is, shall I say, something easy because there is provision under the Law to impose restrictions, curfews and attendance orders at the addiction clinics and treatment centres and force such persons to go to church. It is a way of rehabilitating people to society.

Lastly, the Bill expands and elaborates on the Forfeiture of Assets' Provisions by enabling the Court or the Attorney General's Department to search out and seize all drug trafficking proceeds from the day this Bill comes into operation, going back for six years. I want to make it clear because I know that I am likely to hear a lot about retroactive legislation, but this Bill will not go back to catch an offence committed, shall I say, six years ago as such. In other words, one would not be prosecuted for an offence committed six years ago. But, if after the coming into effect of this Law one is prosecuted, then it goes back to catch those proceeds of drug trafficking which that person has made over the last six years. I think this has a salutary effect because if there are people in our community who are dealing in drugs, as has been said, then I believe they are wise to get out of that business as of now, take an honest job and they may be able to keep that which they have earned previously. However, I have no sympathy, for persons who continue to sell drugs and who are caught under this section. If I had my way I would go back further, but it would give the court too much trouble to trace it because anybody who is involved in selling drugs to our young people or children, in my opinion, are no better than murderers.

I ask Members to give this Bill their support.
Thank you, Sir.

QUESTION PROPOSED:

MR. PRESIDENT: The question is that a Bill entitled The Misuse of Drugs (Amendment) Bill, 1988 be given a Second Reading.
The motion is open for debate.

SECOND READING DEBATE ON THE MISUSE OF DRUGS (AMENDMENT) BILL, 1988

MR. PRESIDENT: I find it hard to believe that no Member wishes to speak on this very important Bill.

The Second Elected Member for West Bay.

MR. W. MCKEEVA BUSH: Mr. President, I rise in support of the Bill before the House. It is a very important and far reaching piece of social legislation.

Our only asset on these Islands, being devoid of any natural resource with developmental possibilities of any great magnitude, is the human resource - our young people and our youth - upon whose ability the standing of this country is dependent.

All of us as parents and Legislators who are interested in what is happening in our community are bound to recognise that drug misuse is a continuing and growing problem. It is one to which the public are rightly giving increased attention. It must be pointed out that while the abuse has increased, detection has also increased. Preventative measures have also been put in place.

In the face of the disturbing figures it is time for all of us concerned with the problem to reassess the way in which we should deal with it. We need to do so, not only to prevent the misery that addiction plainly brings to misusers, their families and neighbours, we must get to grips with this evil involved in exploiting human weakness through illicit supply and trafficking and break the links that are increasingly being developed in this country between drugs and crime.

These objectives, I believe, underlie Government's strategy for tackling drug abuse. I believe that Government must continue to develop policies and lines of action that have an impact upon particular aspects to the drug problem. I believe that is what Government is seeking to do in this Bill.

We often hear that as politicians we cannot do this or the other thing because we can lose votes. That is true. It is so easy for potential politicians to get up and make hay out of what we are trying to do. However, as a parent of an eight year old girl and an 11 year old boy, on my part there is no room to be conceited about the role that I must play as a politician or as a parent. It must be realised that Government alone cannot resolve the problem. The whole community must galvanise and today I am happy that responsible people in the community feel this way. I am happy that we have a group called CASA that is now taking the lead.

Government, in my opinion, must and can give a lead. Government must fix the framework. However, by far, a great impact on this drug problem can come from the different organisations in the community and responsible people outside Government. The more the community realises this and take steps to join the CASA movement, the better off we will be.

Many individuals will have their own part to play if we are to tackle the problem effectively. Whether it be as parents who provide a supportive family background where drug misuse will not be countenanced or as teachers in schools as well as in Sunday school who will guide young people away from the dangers of drugs, or officers of the Government, enforcement officers or otherwise, who are willing to guide misusers to the necessary support facilities. I could go on with the list. It could be endless. But, the enthusiasm of the whole community must be engaged to tackle the problem of drugs if we are to have any chance of success because this increasing menace is a threat to the whole community and not just sections of it. It knows no boundaries. It does not matter whether it is a little girl, a boy or an adult. It does not matter who it is, the pushers will sell the drugs to them.

I am speaking about CASA today in connection with the Drug Advisory Council. The community being galvanised is the reason why, when CASA was formed, that it brought my spirits up. I will be frank, I am happy to see the type of people and the variety involved in CASA. I said before that it is a group that will make a difference and, in my opinion, they are proving their salt. These are parents who see the situation in our community for what it is and they are sensible and capable enough to take action. This is what is needed.

I must give thanks to the founders, Mr. President. One is a lady in my district, a good friend of mine, Mrs. Beverly Banks, of whom I have much respect and her boss Mr. Chan who is an expatriate, not a Caymanian. When we see people doing good we must say so. I believe we owe them a lot of thanks for this bold move. These are parents in the district of West Bay who in my opinion are not looking for glory. They are concerned and in their responsibility and love as parents, this movement was started. I must give support for certain reasons.

There could not be any better driving force than the President, Mrs. Ebanks. She is capable and intelligent. She is a young person and she is a young mother. The community must lift up these people and help push them along.

I do not think that my confidence in this group is being misplaced. I think that up until now they have been doing well and I think that we can look for greater things from them. Let those who would criticise and tear down get out there and do what this group is doing. In my opinion, their approach, with the guidance of the Advisory Council which this Bill sets up, is the way to go.

Government needs this sort of support in its war on drugs. I must emphasise that Government cannot be as effective if they do not have the support of the community and this is what CASA is seeking to do. It is trying to galvanise the whole community. It made an impressive start in West Bay last night when at least 300 people turned out. If I had been given \$1 million I could not have felt better than to see that kind of response in my district.

Over the past couple of months I was discouraged because of certain things that were being said, but since that meeting last night I am now convinced that there are more decent, law-abiding citizens who care than there are a shady crooks who would preach they care, who would get on the pulpit and say that they care, but no action ever comes from them. Talk is cheap, but work, commitment and hard knocks are expensive.

I was enlightened and proud of the contribution given by the speakers. I have criticised the police before and I know that there are areas where I still can and I will continue to do so. But the training officer, Mr. Smith, I believe is a man who has this sort of situation at heart. From what I can gather he is not a man who believes that someone should just be picked up and thrown into prison. He is thinking of the other side of it and that is what is needed.

We had a sterling contribution from Mr. Ernest Foster. These are the kinds of citizens who will help make the difference that we need. He is a dedicated gentleman to community work. Our drug counsellor, Mr. Jones, whom I feel so far is taking the right course, is another dedicated person. Last, but by no means least, is the Governor's gallant lady, Mrs. Scott.

The speeches at that meeting were of a high order and even questions from the audience had a lot of meaning. I will go further for I do not think I would be out of order to say that I am glad that the Governor's wife is involved because she is the first one to come here to be so involved in such an area. I believe that she can do a lot more with CASA and those kinds of groups helping people than she can do in any garden club and that is where everyone of those ladies pitched.

I give them every encouragement and pray that God may guide them in their work.

This Bill sets up the Drug Advisory Council. I believe that the Honourable the First Elected Member has taken the right course with the establishment of this Council. It is, in my opinion, essential to bring together the various groups to ensure each action is consistent with the other instead of having one group doing one thing and another group doing another to counteract what the other does. The Council will bring them together.

The Council will have, I hope I read this correctly, "particular regard to the development of proposals for the more effective implementation of Government strategy for combating the misuse of drugs and drug addiction and it will oversee the implementation of that strategy."

If we had something like this Drugs Council set up previously when drugs such as cocaine were taking root in this country in 1978 and 1979 we probably would be in a better position to deal with the escalation of drug abuse today. I know that people are going to disagree with me, but I move around on the streets. I do not spend all the time in my house or office. I know what is taking place in this country and it is not just today. I have been doing it for a long time and I know, from all observations, that that is when the cocaine movement took root in this country. It was back in those years and if we had had this Council then we would be in a better position to deal with it. I am glad that the Honourable Member has taken this course. This is part of the strategy to combat drug addiction.

Clause 7 of the Bill, is an important one. The Judge can now give probation orders for the users in his sentencing. This was not possible before. With previous drug laws in this country it was impossible for the Judge to give probation. This piece of legislation, and in particular this section, is what is needed. With regard to those people who are hollering now about bringing forward motions to do away with the urine tests, as far as I am concerned this is the way the country needs to go. The clear advice that we need to give to those people is, 'do not do drugs'.

All of us as Members, Opposition, Government and all potential candidates alike should not get up on platforms in posture. If the little barefoot boy is to be protected that is the way we must go. Do not do drugs. But we know that all the talk in the world does not every time have the effect it should and so Government is right with this section. This then will take care of the small man, the barefoot boy, the boy with a 'stick' or a trace in his urine. He can go before the court and he does not have to be sent to Northward Prison. We cannot, however, just let people go though. Whether I lose my seat or not, I have to back Government. As a parent I have to look at my two children and the children of the people whom I represent - the future of this country. I do not see how any Member in this House can get up and knock this. If we are not all parents, we are grandparents. We must remember that if the fathers eat sour grapes the children's teeth will be set on edge.

I have just one warning to those who say that they are going to beat us because of the drug laws. I think that they had better consult a little with the Home Office first. I think they ought to catch up on their reading because as far as Great Britain is concerned with the confiscation of assets, they are telling us that we need to go further.

Other Members will speak now I know and I believe that what I have said is the crux of the matter. I do not need to carry on any longer. Therefore, I give the Bill my support and would hope that all Members, even if they have to play politics, will support the Bill.

MR. PRESIDENT:

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, if it were not for the proposed new sections 16F and 16G I could give this Bill my support. However, those sections give the court the power to restrain the assets of a person even before that person has been arrested for the offence, and I cannot support a section such as that.

I believe that a person who deals in drugs should be punished as severely as can be done once the person is convicted, but until such time as he is convicted there should be no interference with his liberties or properties or whatever they may be. I will, however, be dealing with those two proposed sections much later on in my debate.

The country has a drug problem and I am glad today that the Members who have spoken acknowledged that fact. The police statistics on drugs are frightening. One Member feels that there was a serious problem with cocaine for a long time in these Islands and perhaps he is right, but the police statistics do not bear him out.

What the police statistics show is that in 1984 there were four cases before the Courts for offences relating to the use of cocaine. This same report which was tabled in this House at its last Meeting shows that in 1987, that is last year, there were 229 cases. The report does not go back beyond 1984, but undoubtedly there were certain cases or there may have been certain instances before that time. But what is quite obvious is that since 1984 there has been an escalation of the problem. An escalation in a manner that has been unprecedented in the history of these Islands.

The police report dealing with drugs also shows that since 1984 the number of cases involving the use of ganja have also increased. The number of cases reported or dealt with by the police for ganja offences in 1984 was 100 and in 1987 the number had increased to 273. Almost nearly three times as much. Other miscellaneous offences which were only four in 1984 were 332 in 1987, and the total drug cases dealt with in 1984 were 108 while in 1987 the figure has risen to 835. These are alarming statistics. There has been a runaway usage of drugs and offences under the Drugs Law between 1984 and 1987 and there can be no challenging of these statistics. Also, although we are not discussing crime generally, the crimes ancillary to the drug trade have also doubled in that period.

If we look further at statistics given by Judge Kipling when he spoke about the problems of drugs and other matters before a club recently, it was shown that while in 1987, 77 young persons appeared in the Juvenile Courts the number had increased to 50 in the first three months of this year. So the problem with juveniles and crime in general seems to be galloping. We are at a stage where it is necessary for not only the Government, but for private citizens to be concerned because we do have a problem and while we had problems with drugs before 1984 we now have a problem that is almost out of hand.

MR. PRESIDENT:

Proceedings are suspended until 2:15 p.m.

AT 12:49 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:21 P.M.

MR. PRESIDENT:

Proceedings of the House are resumed.
The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN (CONTINUING):

Mr. President, I had about concluded the portion of my speech dealing with the police statistics on the increase of drug crimes from 1984 to 1987, but would like to read, with your permission, just one paragraph of that report (Part IV - 74):

"Whereas a further increase in the number of drug cases, particularly cocaine related, is a matter of much concern, it is a matter for some consolation that the increase of 47% is not nearly so sharp as that for 1985 (64%) or 1986 (219%). The feeling generally among experienced officers is that the peak may have been passed and that matters might now begin to improve. There is no doubt that the widespread concern felt and expressed by all people in the local community has taken any image of glamour away from drug abuse, and drug addicts. Added to this has been firm police action and harsh penalties by the courts and a combination of all these factors seems at last to be having the desired effect."

That paragraph sums up my feelings on the drug problems. We must have community awareness and support. In addition to that I believe in harsh penalties for those who are convicted, particularly for the sellers, pushers or dealers. I believe there should also be rehabilitation for those who desire it because nobody can really be rehabilitated unless they have a strong desire to help themselves.

The Government has failed in not providing, over the last three and a half years, the Drug Rehabilitation Centre. It is my knowledge that in 1984 plans were well in hand for such a Centre and it had been my expectation that money would have been spent to put up this Centre in 1985, 1986 or 1987. However, we saw Government embark on a programme of paving roads where there was only one house and all these sorts of things which are perhaps necessary. Things that might go down well with the voting public, but which are not things that really needed priority over the scourge of drugs.

Like the Commissioner of Police, I believe in harsh penalties, yet we saw changes made to the Drugs Law which eased the penalties. We saw the mandatory sentences removed and I believe this attitude of not doing anything towards rehabilitation and making it easy on the drug offenders encouraged the drug dealers and may have had some effect on the increased use. Of course, I know that there is another side to the story and there may have been factors at work running through the social fabric of the society which may have increased the demand for drugs as young people turned to them for one cause or another. This is a very complex matter and I doubt if there will ever be a final solution where there will be no drug offences.

I think one of the reasons why we have had problems is because year after year Government has failed to accept the police statistics and perhaps even today we may find that some Members will try to explain away the harsh facts with which we are faced.

This amending Bill which is before us reminds me of the amendment which was brought shortly after the last election in which harsh penalties were replaced with the presumption of guilt in the Law, and certainly that law did not work. The amendments to the Drugs Law, just after the last election, did not work and I say this only because the police statistics bear me out. If those amendments did not work, why have we come with the amendment which is here today? I said in the beginning that if it were not for two clauses in this Bill, I might be able to give it some support, and I want to deal with those two proposed sections at this time.

Section 16(F)(1). I notice that the Honourable Member in introducing the Bill did not pay any great emphasis to this section. This section sets out the cases in which restraint orders may be made, and 16(F)1. reads:

"16F. (1) The powers conferred on the Grand Court by subsection (1) of section 16G are exercisable where -

- (a) proceedings have been instituted in the Islands for a drug trafficking offence;
- (b) the proceedings have not been concluded; and
- (c) the court is satisfied that there is reasonable cause to believe that the person against whom the proceedings have been instituted has benefited from drug trafficking.

(2) Those powers are also exercisable where the Court is satisfied that -

- (a) a complaint is to be made under subsection (1) of section 13 of the Criminal Procedure Code that a person has or is suspected of having committed a

- (b) drug trafficking offence; and
there is reasonable cause to believe that he has benefited from drug trafficking."

and it goes on to name certain other matters.

I find it difficult to support a Bill that can allow the court to put a restraining order on a person's property, even before the person has been arrested. This restraining order can be put on (1) if proceedings have been instituted; (2) if proceeding have not been concluded; and (3) if a complaint is to be made that a person has or is suspected of committing an offence.

My concern with this part of the Law is that it can easily be abused because if the prosecution presents a case seeking to have a restraining order put on a person's property the court is able, under this Bill, to make such an order. This could never be right. I support restraining orders and I support confiscation of property once a person has been convicted. In fact, as far as I am concerned no penalty would be too great if it were imposed after the conviction.

Section 16(F) 2. states:

- "(2) Those powers ..." (that is referring to the powers to putting on restraining orders)
"... are exercisable where the Court is satisfied that -
- (a) a complaint is to be made under subsection (1) of section 13 of the Criminal Procedure Code that a person has or is suspected of having committed a drug trafficking offence;".

In other words, it appears to me as complex as the Law is that if we accept this Bill it would be possible to put a restraining order on a person's property before the person has been convicted. I hope I am wrong in this assumption, but if I am right it is a serious infringement.

There is another aspect. If this restraining order is put on before the person goes to trial, the person may well need that property to pay for his defence. I believe that if a person is convicted he should pay whatever penalties there are, but until such time as he is convicted he should be given every opportunity to defend himself. Are we taking away the right of a person to defend himself? What is even worse is that once a restraining order is put on, what chance would the person have of getting an acquittal before a jury who knew that the restraining order had been imposed? I would rather see very harsh penalties after the conviction, and if this Bill was seeking to do that I could support it.

This Bill as it stands takes away the right to a fair trial because it interferes with the fundamental principles of justice. I know there is provision in this Bill in that if nothing happens and the police do not prosecute and so on or if a person is acquitted he can make application to get the restraining order removed. I know all of that is in it, but these are after the fact.

I can see the difficulty that certain properties could disappear and may not be available for confiscation, but the courts must move swiftly to deal with these cases.

We are now paying a high price for Government's inactivity in the area of drug control over the last three and a half years and I hope that the price does not get any higher.

MR. PRESIDENT:

The Honourable Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL:

Mr. President, I rise to support a Bill for a Law to Amend the Misuse of Drugs Law. I support this Bill because it is another weapon for us to use in the war against drugs which is destroying our Islands.

On your arrival, the Honourable the First Official Member, in his welcoming address to you, pointed out that Cayman's number one problem was drugs. I am very happy today to know that you and your good wife are actively engaged in helping us solve this problem. You will get the support of the people.

When this Bill becomes Law it will hit the drug dealer where it will hurt most, and that is his pocket. As Legislatures we can only legislate laws. We cannot legislate morals but we can get out in the field and talk and help our people. We can educate them and bring them to the realisation of what we are up against. They will help us because we are helping them. As Legislatures we can set an example by playing an active role in the war against drugs.

When the Master Ground Transportation Plan Study started I met with all the Legislatures in the Committee Room and I asked them at that point in time to let us make this study a national issue and not a political one. I said yesterday, or the day before, that I was very happy to know that they took it as a national issue and that we were able to bring a complete and final report of that study to the House which will serve the people of this country for years to come.

To be successful in this war against drugs we must unite in our efforts. The good book, Sir, tells us that a house divided against itself cannot stand. Mr. President, unity is strength.

The world today is fighting the biggest industry in the world which has used and continues to use every known and unknown effort to destroy people for their gain and greed for money. This is the root of all evil. They have no regard for whom they may destroy or at whose expense. It makes no difference to them whether it be innocent children or older people that they destroy. The only thing that makes any difference is that dollar note, but one day, Sir, they will give account for their deeds.

I have personally felt the pinch and I am speaking from experience. I know the hurt and I am still feeling the hurt of the results of drug abuse. Our people are concerned and when people are concerned they are ready to take action. This is evident in the number of organizations today that on their own have volunteered and come forward to fight this war. We as a Government are very grateful for this and we will stand by them and work with them.

This Bill is not perfect. We are incompetent as human beings of producing a Bill without fault, but what we do have I would ask Members to support it. We can always go over and amend it. At least it is a step in the right direction. Let us all together join hands and support this Bill. Let us conquer this monster which will consume us all if we do not take action now.

I thank you, Sir.

MR. PRESIDENT:

The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, I rise to support a Bill for a Law to Amend the Misuse of Drugs Law. I have no problem in supporting this Bill in its entirety because I have always advocated a planned and structured approach to what I have always regarded as one of the greatest evils in our society. This Bill is one of the final stages for attacking this problem which is destroying the very fibre and core of our society.

This Bill does three things. It sets up an Advisory Council, it expands, elaborates and increases the ability of Government to seize and confiscate assets from drug traffickers and it provides probation for some users below certain quantities.

Now, the Government, which I have supported, has been

accused of not recognising that there was a problem of inaction in dealing with this problem. Before I get into the statistics of the 1987 Police Report let me congratulate the Honourable Mover of this Bill on a very thorough presentation and explanation of the intentions behind the Bill. Further let me preface my remarks, on the use of the 1987 Annual Report from the Police, of the fact I have no desire to make a political football of these statistics, but I believe, statistics have to be accepted in a certain way.

I have always known that statistics can be used to prove anything one wants to prove simply by changing the base value on which statistics are evaluated. Now the fact was used that in 1984 we only had four cases of cocaine, four cases of miscellaneous drugs. A total of 100 cases. In 1987 we had 230 cases of cocaine, 332 cases of miscellaneous drug offences. A total of 835 drug offences compared to 108 in 1984. It is my understanding that the deduction was being made that these statistics prove that the problem in 1987 is therefore bigger than it was in 1984. That is a possible and a probable deduction. Facts like this cannot be used in isolation, as they appear in a report, to draw such a deduction because there are many ancillary factors that have bearing on that. Let me say further that I am not trying to justify the increase or to argue whether in fact there was an increase or not. What I am trying to do is to show that facts can be used in many different ways. These facts cannot be used in isolation. We have to take into consideration other factors.

In 1984, we may have only had one policeman walking the beat. In 1987, we may have had two policemen. Is it fair to say then that we should have a 100 per cent increase in the detection rate because we have two people? In 1984 we had provision for the drug tests. It was in the Law but was not being used. I have no authority at this time to question why, but in 1987 it was certainly being used.

The Police Budget has increased since 1984 until 1987. The total resources available to the police to enable detection of crime has been increased by large amounts in many areas. On the same page of those statistics, if we look at the crimes detected and the clear up rate and compare them with those that are available from the 1984 Report, we will see that in 1984 we had a 28.9 per cent clear up in the crimes grouped under theft. I assume clear up here means taken to court, prosecuted and the file closed. If I am wrong someone can correct me later on.

In 1984, the burglary clear up rate was 15.5 per cent. In 1987 it was 30.7 per cent. Common assault in 1984, was 96.2 percent. In 1987 it was 82 per cent.

Now, is it fair to deduct from these two comparative figures that the police did a better job in 1987 or do we have to take into consideration, as I feel, the additional resources which has enabled them to improve on the detection and clear up rates in crime?

I believe we have to be very careful when exercising our responsibility in this Assembly in support or in opposition to a Bill and that we do not arbitrarily pull facts and inadvertently make people believe a certain deduction is accurate or that it is the only possible deduction.

Statisticians are like lawyers, Sir. You can take an opinion or a paper to 10 lawyers and get 10 different opinions. Likewise you can take a set of figures to 10 different statisticians and get 10 different opinions or interpretations. It all depends upon the confines and the ancillary facts of the base value with which that particular statistician places on the figures.

I believe that because of this increase, whether the increase is based on better detection or whatever, the public today is more aware of the dangers of the drug problem and the serious threat it represents to our society.

I believe in the steps we took in 1984 in reducing the mandatory sentences, the enforcement of the drug test, the Community Service Orders and the rehabilitation of offenders. Today people are aware of the magnitude of this problem. They are prepared to act and accept this kind of legislation. I do not believe that the people of this country would have accepted this kind of legislation in 1984.

I believe the Bill is thorough. I believe it is a timely piece of legislation and as I said, I believe it is a continuation of the planned and programmed approach taken by Government in dealing with the drug problem in this country.

The Honourable Member went into great detail. I do not wish to go into the same details in this Bill, but we as Legislatures and as parents, as mentioned by my colleague the Second Elected Member for West Bay, have to accept a responsibility and support matters like this.

I am prepared to support the Bill irrespective of the political consequences in doing so. People say that Government is not being effective and that the education programme is not working. I have a six year old son, Sir, who is in Prep I at the Catholic School and I am constantly lecturing him on the evils of drugs, alcohol, cigarettes, etcetera. I do not drink and I do not smoke. There are other members in my family who do and there is always that little extra explanation that has to be given when he observes some other member of the family drinking or smoking.

Last Thursday afternoon I took him to my home. I had 10 cases of beer in my living room and when he walked into the room he said, "Daddy, are you drinking beer?". I said, "No, son. That is for my friends who are going to help me at the Public Beach.". He said to me, "Daddy, are they your friends?". I said, "Yes", and that the beer was for them because the sun gets hot and that is the refreshment that they want and that I had my case of Pepsi, which was beside the beer. He said, "Daddy, if they are your friends give them a hug not drugs."

I do not know how many people are going to turn up at the Public Beach to work from now on, but if I am going to supply them with beer to get them to show up they will not show up.

I believe the education programme is working. My child got that phrase out of school. I believe the only long term solution to this is education. I compliment the CASA organisation in the steps that it has taken. I compliment the Honourable Member on the setting up of an Advisory Council to advise him in those areas in particular. However, the other steps in this legislation are just as important and we have to support those if we are going to wipe this menace from our society. It is something we have to deal with and something we have to deal with now.

Mr. President, I support the Bill. Thank you.

MR. PRESIDENT:

wishes to move a suspension of Standing Orders.

I have notice from the Honourable Official Member that he

SUSPENSION OF STANDING ORDER 23(7)

HON. THOMAS C. JEFFERSON:

Mr. President, I was unable this morning to give the answers to the questions by the Second Elected Member from West Bay, I propose to move the suspension of Standing Order 23(7) under Standing Order 83 to allow that to take place.

MR. PRESIDENT:

The question is that Standing Orders be suspended in order to take the Questions listed on the Order Paper for today.

QUESTION PUT: AGREED.

STANDING ORDER 23(7) SUSPENDED TO ENABLE QUESTIONS TO BE TAKEN.

QUESTIONS TO HONOURABLE MEMBERS

MR. PRESIDENT:
Member for West Bay.

Item 3 on the Order Paper. Questions. The Second Elected

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

NO. 10: Would the Honourable Member say:

- (a) what was the Government's surplus revenue on 31st October, 1984;
- (b) What were the General Reserves on 31st October, 1984;
- (c) What were the charges/setoff against the Reserves as of 31st October, 1984;
- (d) What was the Government's overdraft at Barclays Bank PLC as at 31st October, 1984; and
- (e) Taking the foregoing into account, what was the Government's Treasury net financial position as at 31st October, 1984?

ANSWER:

- (a) Mr. President, Instead of a revenue surplus, the Government had a deficit position of <CI\$2,843,647> because a sum of \$3,148,840 due from Caribbean Development Bank had not been received by the 31st October, 1984.
- (b) The General Reserves as at 31st October, 1984 amounted to
- (c) The charges/setoff against the Reserves as at 31st October, 1984 were in respect of the Tower loan which stood at CI\$4,583.333 as at that date.
- (d) The Government's overdraft position at Barclays Bank PLC as at 31st October, 1984 amounted to CI\$3,555,372.
- (e) Taking the foregoing into consideration, but having to substitute the Treasury's cash book position, instead of the banks's position in order to provide an answer consistent with the question, the Government's treasury net financial position as at 31st October 1984 stood at CI\$4,218,883 arrived at as follows:-

General Reserves balance as at 31.10.84	\$10,032,644
Add: amount recoverable from Caribbean Development Bank for bridge- financing provided during construction of Owen Roberts Terminal building	3,148,840
	<u>\$13,181,484</u>
Less: Encumbrance in respect of Tower loan -	\$4,583.333
Less: Treasury's cashbook overdraft position -	\$4,379,268
	<u><8,962,601 ></u>
Treasury's net financial position as at 31.10.84	<u>\$ 4,218,883</u>
	=====

Mr. President, in determining the Treasury's net financial position as at 31st October, 1984, the following items have been excluded:-

Public debt including self financing loans	\$11,348,366
Loans due to Government	10,000,920.

SUPPLEMENTARIES

MR. W. McKEEVA BUSH:

A supplementary, Mr. President.
Can the Honourable Member give me a breakdown of the \$10 million owed to Government?

(Pause)

HON. THOMAS C. JEFFERSON:

I am sorry to have taken so long, Mr. President, but what I am about to give you should be used as a guide because it is the 1984 position as at 31st December. However, I think the difference in the figures will be rather modest. For your information instead of the loans recoverable being the \$10,920,000 as at 31st December, 1984 that I gave you, this figure shows \$10,498,386. So there is roughly about \$500,000 more in here, if I am to give you the breakdown, than you have. To select some of the larger ones I think will be of guidance to the Member.

Cayman Airways - a principal sum of \$4,166,667.00. The interest on that loan - \$368,519.00. Cayman Air Holdings - \$3,151,427. Civil Servants' Mortgage Schemes \$581,000.00. Assets vested in the Port Authority - \$1,259,935.00. The next largest sum is to the National Council of Social Services \$317,000.00. The other items are in sums of \$100,000 or \$125,000.

MR. G. HAIG BODDEN: Mr. President, can the Honourable Member say whether it is normal for Government's surplus revenue, in the last quarter of any given year, to be less than the revenue in the first quarter of any year? In other words, can he say whether it is normal for it to be higher in March or October?

HON. THOMAS C. JEFFERSON: I think in all of my days in dealing with the Treasury we have seen that in the first half of the year, particularly in the first quarter, we have more money than there is need to spend it. That sum of money usually rests on deposit and earns us interest, but by the time that the full Government capital programme, together with other recurrent expenditures, gets well on the way in October it is usually a very close position.

MR. G. HAIG BODDEN: Mr. President, can the Honourable Member say whether it is correct that Government can almost always rest assure that there will be this surplus in March since they collect annual licences, as from the banks and insurance companies, in January and February which are not collected until later on? Can he say whether this is another reason for the surplus?

HON. THOMAS C. JEFFERSON: I think the principal reason, Mr. President, is that the majority of the legislation for fees causes them to be collected in January.

HON. BENSON O. EBANKS: Mr. President, I would like confirmation, that the \$2,843,647.00 deficit shown in the (a) section of the answer is in fact accounted for in the Treasury's cash book over-draft position shown in section (e) of the answer. I am asking this because I am not very clear on this in as much as the \$3,148,840.00 from Caribbean Development Bank is put in its entirety as shown in section (e). The \$2,843,647.00 must be accounted for somewhere and I want to know if I am assuming correctly that it is in the Treasury's cash book overdraft position.

HON. THOMAS C. JEFFERSON: Mr. President, the clarity to that is the system of dealing with Caribbean Development Bank. In respect of most of the loans that I have had any dealings with, this Government has to honour all of its bills, whether for materials or labour on a particular project and then claim from Caribbean Development Bank. The result of which all the expenditure in relation to this particular loan is in the expenditure figures. It is therefore part of the cash book. However, the sum due from Caribbean Development Bank is obviously not in the cash book.

MR. G. HAIG BODDEN: Mr. President, I am not really seeking an opinion, but since the Honourable Member is an expert in this I would like to ask him whether he is satisfied with Government's net position as shown at 31st October, 1984?

MR. PRESIDENT: The Honourable Member may wish to reply but I am not quite sure how he can reply really.

HON. THOMAS C. JEFFERSON: Mr. President, I am not sure that this is the direct reply to the question the Member is asking, but I will try to reply in any case.

The net position of Government has to be taken in light of its accounting system and that is, that in any balance sheet there will not be any assets shown unless it is in the form of cash or something very close to it. So that any assets owned by Government, be it land or buildings, are not part of the figure because in that case we would need to have a different accounting system which is normally used and called "accrual" or "commercial practices".

MR. G. HAIG BODDEN: A very perfect answer. I am quite happy with it.
Mr. President, one more supplementary. In the Honourable Member's answer to the question he mentions an encumbrance in respect of the Tower loan. Can he tell us if it is correct that the rent for the top floor of the Tower Building was sufficient at that time to cover the mortgage paid to the bank for the Tower loan?

MR. PRESIDENT: That is a very detailed question. Do you wish to reply in writing?
I am sure you might.

HON. THOMAS C. JEFFERSON: I am not sure that I can answer that with great confidence, Mr. President. I know at the time there were about four private tenants in the building. I noted two of them were paying something in the range of US\$65,000.00 each per year, but I am very uncertain of the other two.

MR. JAMES M. BODDEN: A supplementary, Mr. President, which might be a bit unfair to the Honourable Member.
I wonder whether he can advise the House what the General Reserves are as at 31st March, 1988?

MR. PRESIDENT: I think, if I may just check the next question, it will be in the next question. In that case, should we take the next question please?

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

NO. 11: Would the Honourable Member state:

- (a) What is the amount of General Reserves and surplus as of 31st March, 1988;
- (b) What are the charges/setoff presently against the Reserves; and
- (c) What was the surplus revenue for 1987?

ANSWER: (a) Mr. President, the General Reserves and surplus as at 31st March, 1988 amounted to \$19,459,587, arrived at as follows:-

General Reserves and/or accumulated fund balance as at 31st December, 1987	\$ 8,386,440.00
Surplus of revenue as at 31st March, 1988 inclusive of the unaudited surplus balance brought forward as at 31.12.87-	\$11,073,147.00
	<hr style="width: 100%; border: 0.5px solid black;"/>
	\$19,459,587.00

(b) The charges/setoff presently outstanding

against the Reserves are in respect of
the Tower loan which at 31st March, 1988
stood at -

\$ 2,619,047.63

=====

(c) According to the Treasury's records, the
unaudited surplus for the year ended 31st
December, 1987 amounted to -

\$4,638,218.00

=====

SUPPLEMENTARIES

HON. BENSON O. EBANKS: A supplementary, Mr. President. In view of the question posed by the Second Elected Member for Boddan Town a while ago and the supplementary to it, I would just like to ask the Honourable First Official Member to confirm that the General Reserves of \$8,386,440.00 do not reflect any funds which could be attributed to unusual payments during the first quarter of the year. Even if we deducted the setoff of \$2,619,047.63, the remaining \$5,767,392.37 would in fact represent funds not collected during this first quarter.

HON. THOMAS C. JEFFERSON: Mr. President, I am not sure that I can do anything more than repeat what is on the paper. \$8,386,440.00, as a General Reserve is the position at the end of December 1987, unless I misunderstood his question.

HON. BENSON O. EBANKS: I just wanted it read into the record, Sir.

MR. PRESIDENT: I think the answer was yes.

MR. G. HAIG BODDEN: Mr. President, I want to ask this supplementary question in order to clear up any doubt that may be in the minds of anyone listening.

The answer to one year's surplus revenue is given for the month of December, while for the other year it is given in October. Can the Honourable Member tell us how it is possible to get a true comparison? He has answered the question, but I want him to tell us how we can get a true comparison unless he compares the same months, because he has told us that at the end of the year the money would have been spent on Government projects while in the early part of the year it is left on deposit because it is coming in a lump sum.

MR. PRESIDENT: I do not really think that is a relevant supplementary because the Honourable Member who has taken the two questions has simply replied to them. He is not seeking to make any comparison, so I do not think that follows.

MR. JAMES M. BODDEN: In view of Finance Committee having approved an overdraft position of \$4.5 million for the Government, could the Honourable Member advise what, if any, overdraft amount is now in existence?

HON. THOMAS C. JEFFERSON: That answer is simple, there is none. There is no overdraft position at the moment. The reason for the \$4.6 million overdraft facility is for those things unforeseen that could possibly happen to us, and we will have it in place if we need it. I doubt that we will.

MR. G. HAIG BODDEN: Mr. President, may I ask the Honourable Member if the figure given as the General Reserve at 31st March, 1988 includes the \$2 million General Reserve which Finance Committee approved to be spent if needed. Quite recently it was tabled in the House that only a couple of weeks ago Finance Committee approved the spending of \$2 million in Reserve, if needed. I want to find out if that \$2 million, if needed money, is included in the answer given?

HON. THOMAS C. JEFFERSON: Mr. President, the Finance Committee Report of the 3rd March, 1988 which was tabled in this House a few days ago gave authority, if necessary, to use \$2 million of the General Reserves and it will obviously have come from the figures here.

MR. JAMES M. BODDEN: With regard to the overdraft that we spoke about a while ago, is it correct that that has been put in place to facilitate Government's spending during the lean months which will probably be from July on?

MR. PRESIDENT: Are you talking about 1984? I am sorry, right.

HON. THOMAS C. JEFFERSON: I think the history of the overdraft position, may be helpful in that at the end of 1984 we had an overdraft facility approved by Finance Committee of \$3.5 million. It can be seen from the answer that we exceeded that authority by roughly \$55,000.00. Ever since that time we have come to Finance Committee for approval of an overdraft facility of \$4.5 million. The overdraft facility lasts for only 12 months unless it is renewed, and we have been renewing it ever since.

MR. JAMES M. BODDEN: Would you not agree, that the reason for having the overdraft position available is because the revenue for July, August, September and October is usually very lean and if Government needs to spend extra money during those months of the year the overdraft is put in place to make it available for spending in the same way as it was done in 1984? You may suspect that that is going to happen in 1988, is that correct?

HON. THOMAS C. JEFFERSON: I really do not suspect that it will happen in 1988, but it may. The reason for the overdraft, as I have said before, is to cover expenditures that are unforeseen. I do not know how much more I can elaborate on that given the amount of money that we see before us at the moment and the fact that there is much more revenue to be collected. It is true that the months of September, October and November are lean months, but it does not necessarily follow that we will have to use the overdraft facility.

HON. BENSON O. EBANKS: A supplementary, Mr. President. I could help within that position at the end of 1984. I have it here from the Minutes, if the Second Elected Member would like to know. That is the 31st of December

MR. G. HAIG BODDEN: Is he making a statement or ...?

MR. PRESIDENT: No, I think you are getting into a statement. You have offered

him the paper and I am sure if he would like to have it he may have it. No, not now, I am sorry, he may take it from you during the break.

HON. BENSON O. EBANKS: Could I tell him?

MR. PRESIDENT: If you have a question.

HON. BENSON O. EBANKS: Yes, Sir. Could I tell him it was a deficit position of \$391,000?

MR. PRESIDENT: No, I am sorry, you must put questions. I think we have had perhaps enough of high finance. We have earned a break. Proceedings suspended for fifteen minutes.

MR. W. MCKEEVA BUSH: That was the best question time in years, Mr. President.

AT 3:35 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:56 P.M.

MR. PRESIDENT: Proceedings are resumed on the Second Reading of the Misuse of Drugs (Amendment) Bill, 1988. The Second Elected Member for George Town.

CONTINUATION OF SECOND READING DEBATE ON THE MISUSE OF DRUGS (AMENDMENT) BILL, 1988

MR. LINFORD A. PIERSON: Mr President, I rise in support of a Bill for a Law to Amend the Misuse of Drugs Law (Second Revision).

Basically the Bill before us is mainly concerned with two major areas, the recovery of proceeds of drug trafficking and the provision for the establishment of an Advisory Council on the misuse of drugs.

Clause 3 of the Bill seeks to add a new Section 2A which deals with the establishment of the Council. Proposed subsection (3) deals with the aims and objectives of the Bill which I will deal with as I go through the debate. However, before this I wish to briefly summarise the memorandum of objects and reasons and the sections thereunder.

The proposed new sections 16A to 16E deals with the procedure to be followed in Court when a person is convicted of a drug trafficking offence. Proposed sections 16F to 16G which seems to be causing some amount of concern seeks to provide machinery to prevent a person suspected of drug trafficking from disposing of property before it can be dealt with under a confiscation order. I will point out in due course as I go through this that this is not unusual or is not setting a precedent in Caymanian Law or indeed I think I would be right in saying, in British Law.

Proposed section 16A deals with the procedure for the enforcement of confiscation orders through the appointment of a receiver by the Grand Court and proposed section 16I makes provision for application of sums realised by a receiver appointed under 16G and 16H. Proposed section 16J lays down the general principles affecting the exercise by the Grand Court and by a receiver. Proposed section 16K deals with the payments of compensation to persons whose property is affected by such orders and who suffer substantial loss as a result if the criminal proceedings do not lead to an effective conviction for a drug trafficking offence.

Proposed sections 16L to 16M makes provision for the investigation of drug trafficking providing for orders for production of material relevant to such investigation and for search warrants to be issued in certain cases. Proposed section 16N seeks to contain a number of miscellaneous provisions affecting the proposed new sections.

I wish to congratulate the Honourable Mover of this Bill for the comprehensive manner in which he presented it and I believe that it would be useless repetition this evening to try to go over in detail these sections that have been so comprehensively covered by him. I would nonetheless wish to highlight certain areas which I consider of paramount interest.

Before commenting on section 2A to the law establishing the Advisory Council, I wish to comment briefly on the establishment of CASA which is that group of dedicated individuals who are producing a major positive impact on not only reducing the supply of drugs in the Cayman Islands, but also the demand for the drugs. Before going through the aims and objectives of CASA which means "Cayman Against Substance Abuse" I wish to congratulate the Executive Committee of CASA and indeed to congratulate our first lady, Mrs. Scott, for the very important role she is playing in this very important organization.

As reported by the Second Elected Member for West Bay, the group has already met in West Bay and had a meeting there. I also understand that the next scheduled meeting will be in George Town. Unfortunately, I will be off the island from the 26th April to 1st May and will not be able to attend that meeting but I have tendered my apologies.

It can be seen from the aims and objectives of CASA that this closely compliments the Advisory Council. As a matter of fact, it is my understanding that it was the wish and request of CASA that the Government set up such a Council so that it could have a legal arm of Government dealing with this matter.

The aims and objectives of CASA are to do something about the demand for drugs in Cayman, not the supply, by galvanizing the community into action. This requires a multi-faceted approach to initiate action by all the service clubs, the churches, the youth groups and the PTA's etcetera, in all the districts.

CASA is launching out in conducting its meetings in each district within the Cayman Islands to liaise with the above in coordinating programmes to further their aims and objectives. To inform the community through the media, films, speakers, etcetera, of the reasons for drug use, prevention, symptoms, intervention and treatment so that those with a drug problem or those whose family members have a problem may know where to go for help. It will also further its aims and objectives by encouraging the setting-up of parent and support groups to help those and their families that may have a problem or are undergoing treatment. It will also promote involvement in sports to replace the hours that were formally spent doing drugs. It will stimulate the community into recognising the need for a centre where people who have a drug dependency problem may go to get off and stay off drugs, which will involve altering their present life-styles and for the community to work together to establish such a centre.

Drug abuse hits all strata of society as we have heard in this House today. One Honourable Member told us that he has experienced the problem very near and dear to him. We should all be sympathetic to anyone going through this problem. It is a serious, serious problem.

I will not go through all the aims and objectives of CASA, but I believe that I have stated sufficient to indicate that this group of dedicated people are working very closely with Government. Again I feel that they should be congratulated for the work they are doing.

To show how closely connected the aims and objectives of the Cayman Against Substance Abuse group is, I would like at this point to read proposed section 2A(3) of the Bill which sets out the aims and objectives of the Advisory Council which is being set up through this Bill.

"2A.(3) It shall be the duty of the Advisory Council to keep under review the situation in the Islands with respect to controlled drugs and other substances which are being or appear to them likely to be misused and of which the misuse is having or appears to them capable of having harmful effects sufficient to constitute a social problem; and to give to the Member, ..."...

... meaning the Member for Health, Education, and Social Services ...

"... where either the Advisory Council consider it expedient to do so or they are consulted by the Member, advice on measures which in the opinion of the Advisory Council ought to be taken for preventing the misuse of such drugs and other substances or dealing with social problems connected with their misuse, and in particular on measures which in the opinion of the Advisory Council, ought to be taken for -

- (a) restricting the availability of such drugs and other substances or supervising the arrangements for their supply;
- (b) enabling persons affected or likely to be affected by the misuse of such drugs and other substances to obtain proper advice, and for securing the provision of proper facilities and services for the treatment, rehabilitation and after-care for such persons;
- (c) promoting co-operation between the various persons, clubs, societies, associations or other bodies, or any department, branch, agency or organ of Government, which in the opinion of the Advisory Council have a part to play in dealing with social problems connected with the misuse of such drugs and other substances;
- (d) educating the public or a section of the public in the dangers of misusing such drugs and other substances, and for giving publicity to those dangers; and
- (e) promoting research into, or otherwise obtaining information about any matter which, in the opinion of the Advisory Council, is of relevance for the purpose of preventing the misuse of such drugs and other substances or dealing with any social problem connected with their misuse.

(4) It shall also be the duty of the Advisory Council to consider any matter relating to drug dependence or the misuse of drugs or other substances which may be referred to them by the Member and to advise him thereon."

There are other sections, but I believe those comprehensively cover the aims and objectives of the Advisory Council and it can be seen how closely related they are to the aims and objectives of CASA. So, it should be clear that the Advisory Council is necessary in order to advise the Member on measures which it thinks ought to be taken for the prevention of the misuse of drugs or for dealing with social problems connected with such misuse.

I will now deal with proposed sections 16F and 16G which seem to have caused some amount of concern in the minds of one or two previous speakers. Before dealing with this I wish to point out, and I think this may be corroborated by our Second Official Member if he speaks on this, that regarding abuse of the Law we have to trust the judicial area of Government. We cannot in this Assembly make judgments of what will be done in the Judiciary. This is a separate arm of Government and it will deal with the Law in the way in which it sees fit. We should not preempt or anticipate that there will be any abuse of this Law. We in the Legislature can only make laws in the best way possible and we have to leave these laws for the judiciary to deal with. We should make that point abundantly clear. Dealing with these Laws is the job of the judiciary, not of the Legislative Assembly - we legislate Laws.

During the lunch break I had the pleasure and privilege to discuss sections 16F and 16G with a very brilliant and eminent lawyer. I was advised by that lawyer that the provisions under sections 16F and 16G are quite commonly applied even in civil cases. She continued to discuss this matter with me in such a way, that it was very clear that we are not setting a precedent here in this Bill. I believe, if I recall the discussion, that the precedent was established under what is known as the Mareva Injunction.

Basically the position is that the powers in sections 16F and 16G are no greater than the Court's power in civil cases to restrain dealing with assets of a defendant before the action is tried. This is known as the Mareva Injunction and does not interfere with the fundamental principle of natural justice as has been alleged in this House. I wish to make that point abundantly clear. As soon as a writ is filed and before it is served on a defendant the Court may, and frequently does, grant *ex parte* Injunctions in proper circumstances to prevent assets being disposed of in the interim. This precedent, as noted earlier has already been established in Law and is used even in civil cases. So this is not something new being brought into this Bill. It is commonly used in the Courts.

Also of importance we must recognise that we can expect to have evils seeping into our society and overall development as our population increases. It is heartening to see that we are making positive steps in dealing with this problem.

Reference was made of the increase in the numbers of convictions of drug offences. These comments were made in such a way as to place an indictment on the present Government because of these increases. But this increase may not necessarily mean a deterioration in our society or increase in the usage of drugs. It could reflect favourably on the increased efficiency of the police force in detecting a lot of these cases. It may not necessarily mean that there are that many more cases in the country even though, in line with the development, there would be a relatively greater increase. But this could mean that the Police Department is being more vigilant and much more efficient in detecting these cases.

I am totally in support of this Bill. We need to hit the drug trafficker where it hurts most and that is in their pockets. I am happy to repeat the words of our very efficient and knowledgeable Attorney General when he made these remarks in the Wednesday's issue of the Caymanian Compass of 6th April. It was entitled, "Bill takes aim at drug pushers' profits". I wish to commend and congratulate Mrs. Joy Baker for this very good article which she wrote. She always writes good articles, but this one was really very good indeed. It states,

"The new proposals to be brought to the House by Executive Council Member, Mr. Benson Ebanks, will allow the investigation of the financial affairs of anyone

convicted of drug trafficking offences and order him to hand over his assets."

This is the way it should be. All too often we find people spending five to six years in jail coming back out much better off because they leave their money on fixed deposit or have invested it in some other type of asset. This should not be allowed to continue.

The article by Mrs. Baker continues,

"The order applies not just to the proceeds of the offence for which a pusher has been convicted, but to past proceeds as well."

Very, very well. This is the way it should be done and I am only sorry that it does not go beyond six years. It puts the onus on the pusher to prove that his assets were not obtained through drug trafficking.

It always amazes me how certain individuals whose salaries are well known, \$1,500 to \$1,800 a month, live on \$5,000 to \$6,000 a month. Where does the money come from? Where do they get the money to buy their 40 foot cruisers, expensive cars and two or three condominiums? Where is the money coming from?

The Honourable Second Official Member said that the Bill represents the current philosophy that it is no good putting someone in prison for a few years if they still have millions of dollars in the bank when they come out. Very true, I agree with him one hundred percent. A very wise man! This is true and long may he stay with us if he continues on this good track. He continued by saying that this will be a useful back-up tool in suppressing the problems in the Islands. It will not solve the problem overnight, but it means that when the real distributors and the middle-ranks are caught we can hit them in the pockets where it hurts. Congratulation Honourable Second Official Member. Well said. This is where we need to hurt them.

He stressed, however, that the new measures, if passed, would relate only to those convicted of trafficking. He made that point very clear. We are talking about offences such as selling, dealing or possession with the intent to supply. The pure possession offences would not be included. I will deal with that under clause 7 of the Bill where it shows that an amendment is proposed to section 18 of the principal law, where abusers under subsection (3), I believe paragraphs (k) and (l), applies.

He continued by saying that the Bill is modeled on legislation introduced in the United Kingdom in 1980. The Drug Trafficking Offences Act which was hailed as draconian. Mr. Haig must have written that, that is his favourite word, legislation against traffickers.

We are on the right course in what we are doing here today. We are not doing this in isolation. I have a copy of an article produced by London Press Service Central Office of Information, written on the 9th of February, 1988, and it states:

"The net tightens around international drug traffickers."

This is the way it should be. We do not want any drug traffickers or anybody involved in drugs residing in the Cayman Islands, much less doing business through the Cayman Islands. This is why I am happy today to be able to say that I reacted a bit prematurely on the Mutual Legal Assistance Treaty. I still have my doubts in certain areas, but I am happy to see that this has had a very positive effect on the Cayman Islands. We have a very clean image now. Some of the top banks in the world are coming here.

As we heard this evening during question time the finances of this country has never been so good. It is going to be difficult for the Opposition to find fault with that one, but anyway I promised that my contribution to this Bill would not include politics. I will deal with politics on the political platform.

The text of this article, Mr. President, reads:

"The following is a text of a news release issued by the Home Office on the 9 February 1988. An historic agreement to tighten the net around international drug traffickers was signed today... ..(being 9 February 1988)... .. between Britain and the United States. Taking part in the signing ceremony was the Home Secretary, the Rt Hon Douglas Hurd, CBE, MP., the Foreign and Commonwealth Secretary, the Rt Hon Sir Geoffrey Howe, QC, MP, and the United States of Ambassador, the Hon Charles H. Price, II. The agreement will help to intensify cooperation against drug trafficking by enabling joint action to trace, freeze and confiscate the often enormous proceeds of drug trafficking. It is the first bilateral agreement negotiated under the Drug Trafficking Offences Act, 1986."

We are on the right course. Every respectable and decent Government in the world is tightening up on drug traffickers, and we are on the right course. The Government and those of us who support this Bill should be congratulated for endeavouring to put through such a measure.

In welcoming the agreement the Home Secretary said:

"One excellent way of stopping the illegal drug trade is to prevent the traffickers enjoying the proceeds."

These are the very words of our Second Official Member, the Honourable Richard Ground. We did not really need the Home Secretary to tell us this because we had already been told this by our Honourable Second Member. Many Members were already aware of this and know that this is the way to stop the drug traffickers.

The new Drug Trafficking Offences Act with its sweeping powers to trace, freeze and confiscate proceeds has made an excellent start in its first year of operation. Since the Act came into force on the 12 January 1987, some seven million pounds sterling, which is approximately US\$10,000,000.00, of suspected drug traffickers assets have been frozen pending trial and large amounts are now being confiscated including recently four hundred and fifty thousand pounds sterling in one case alone. We could do a lot with that money here in the Cayman Islands. Let us confiscate it. We could make good use of it. There is a lot of need for low cost housing. The Honourable First Official Member is Chairman of that Committee and I know that he could use the money. There are CMC Centres. The First Elected Member for Bodden Town also mentioned that we need housing. All of us know that. I have mentioned it many times in the House as has the Second Elected Member for West Bay and many other Members.

This article continues:

"There is an urgent need for concerted action on the international front if we are to outpace the evermore sophisticated drug traffickers. Our Act recognizes this by enabling us to enter reciprocal agreements with other countries to recover the traffickers' proceeds. Like us, the United States has long been in the forefront against drug trafficking and I am delighted that our first agreement should be with them."

These are the words of the British Home Office.

Today we are signalling the world of our joint determination that there shall be no safe haven for the drug traffickers or their assets. This agreement was signed at the Foreign and Commonwealth Office.

Mr. President, I know that it is getting near 4.30 p.m.

MR. PRESIDENT:

How long do you think you may need?

MR. LINFORD A. PIERSON:

I think I would need some more time, Sir.

MR. PRESIDENT:

Would you prefer to go on Monday? Yes? Right. Thank you.

MR. LINFORD A. PIERSON:

Thank you very much, Sir.

ADJOURNMENT

HON. THOMAS JEFFERSON:
House until ten o'clock Monday morning.

Mr. President, I move the adjournment of this Honourable

MR. PRESIDENT:
Monday the 25th April, 1988.

The question is that this House do adjourn until 10.00 am on

QUESTION PUT: AGREED:

AT 4.35 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10.00 A.M., MONDAY,
25TH APRIL, 1988.

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

SECOND MEETING OF THE 1988 SESSION OF THE CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

MONDAY, 25TH APRIL, 1988

(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, OBE	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 1988 SESSION
OF THE LEGISLATIVE ASSEMBLY**

MONDAY, 25TH APRIL, 1988
(Sixth Day)

1. PRAYERS

To be read by the Honourable Third Official Member of Executive Council.

2. GOVERNMENT BUSINESS

Bills:

CONTINUATION OF SECOND READING DEBATE

The Misuse of Drugs (Amendment) Bill, 1988

COMMITTEE THEREON

The Misuse of Drugs (Amendment) Bill, 1988

REPORT THEREON

The Misuse of Drugs (Amendment) Bill, 1988

THIRD READING

The Misuse of Drugs (Amendment) Bill, 1988

3. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:

- (1) **PRIVATE MEMBER'S MOTION NO. 4/88**
**Appointment of Select Committee to consider conditions
and to find solutions for Islands problems**

Continuation of debate thereon:

- (2) **PRIVATE MEMBER'S MOTION NO. 5/88**
**Appointment of Select Committee to find solutions
for the Schools and Medical Systems' Problems**

To be moved by the First Elected Member for Bodden Town
To be seconded by the Second Elected Member for Bodden Town.

- (3) **PRIVATE MEMBER'S MOTION NO. 6/88**
**Appointment of select committee to consider methods
for curtailing government's borrowings and spending**

To be moved by the First Elected Member for Bodden Town.
To be seconded by the Second Elected Member for Bodden Town.

4. ADJOURNMENT

To be moved by the Honourable First Official Member, Leader of Government Business.

TABLE OF CONTENTS

	PAGE
Prayers	1
Government Bills	
The Misuse of Drugs (Amendment) Bill, 1988 Continuation of Second Reading Debate	
Mr. Linford A. Pierson	1 - 6
Hon. Richard W. Ground	6 - 10
Capt. Mabry S. Kirkconnell	10 - 12
Mr. James M. Bodden	12 - 16
Mrs. Daphne L. Orrett	16 - 19
Mr. John B. McLean	19 - 20
Hon Benson O. Ebanks	20 - 21
Adjournment	21

MONDAY

25TH APRIL, 1988

10:07 A.M.

MR. PRESIDENT:
Executive Council.

Prayers. The Honourable Third Official Member of

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 the light of His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT:

Proceedings of the Assembly are resumed.

Second Reading debate on the Misuse of Drugs (Amendment) Bill, 1988.

Government Business - Bills. Continuation of the
The Second Elected Member for George Town.

GOVERNMENT BUSINESS

BILLS

CONTINUATION OF SECOND READING DEBATE ON THE MISUSE OF DRUGS (AMENDMENT) BILL, 1988

MR. LINFORD A. PIERSON:

Thank you, Mr. President.

At the adjournment on Friday, I was dealing with certain tough measures being taken by the United Kingdom and the United States of America and the agreement that was signed on 9th February, 1988, this year.

Mr. President, before completing the article that I was addressing on Friday, I would like to make reference to a news release which I heard on Saturday regarding very tough anti-smoking measures being taken by some of the United States' airlines on their domestic flights which came into effect last Saturday.

The relation to the debate is that so often we feel that abuse of drugs refers only to cocaine or marijuana and, indeed, there are other anti-social behaviours such as the misuse of alcohol or the dangerous habit of even smoking tobacco which both may be as equally dangerous if not put under control.

The question I would like to ask today is why should not our own National Airline follow a similar path? Not only should our National Airline prohibit smoking on our flights which are slightly over one hour, but I also feel that there should be non-smoking zones in other public areas such as our restaurants and similar places.

I have mentioned this to the Honourable Member responsible and I trust that some consideration will, in due course, be given to this. While I do not want to deprive any individual of what he may consider his right, there is no reason why individuals who are non-smokers should have to suffer possible injury to their health through second-hand smoke.

Also, I would make reference to an article which has been published and is now public knowledge arising from a committee set up by the sub-committee of the United States' Senate which dealt with the investigation of inter-drug trafficking. This particular release involved a man by the name of Mr. Leigh Ritch and revealed, in that public release, the enormous wealth that had been accumulated, not only by him, but by other drug traffickers during the course in which he reigned supreme. Sadly, we have also seen public evidence made by Mr. Ritch implicating certain world leaders such as Mr. Noriega of Panama and others.

Closer to home we have seen the damage caused to many of our Caribbean neighbours through their involvement in drugs. We have examples of arrest of top officials in the Turks and Caicos Islands and other areas for their alleged involvement in drugs. Also there are suspicions of top government officials being involved in the Bahamas and other areas close to us. These announcements have been made through the public media and these alleged involvements of certain top government officials, including the police, are causing many countries much grief.

Unless concerted efforts are made to stamp this out we

will find that we may follow the same path as have many of those countries. However, from a radio broadcast that I heard Saturday last by our First Lady, Mrs. Scott, it seems that the new stiff measures that have been brought in the Turks and Caicos Islands, as had been advised to her by Mrs. Patricia Bradley, may be bringing a very positive influence on that country and we are very heartened and happy to hear that these new measures are having a very positive effect on that government.

Mr. President, we do not want any of those traffickers who are discouraged from dealing in other countries feeling that they can find the Cayman Islands as a haven for them to do their drug trafficking. We want to make the Cayman Islands an area that is above reproach - an area that is kept clean and we will do all in our power to see that this is done.

The question is, do we want to see the Cayman Islands follow the same trend as some of the countries that we know of today, suspected of encouraging drug traffickers? I would say that the answer from each Member of this Honourable House and indeed the public at large, would be a resounding, no! We do not want the Cayman Islands to be a haven for drug traffickers. Thus, this Bill comes none too soon. Its probity is above reproach and its effect will be very positive on our country.

Those, who are upset by this Bill which seeks to discourage the 'big-boys' in the drug business using Cayman as a drug haven will have to consider moving to some other country, perhaps Panama.

As stated earlier, on Friday, I was dealing with an article issued by the Home Office on 9 February 1988, entitled "The Net Tightens Around International Drug Traffickers". Basically this historic agreement which was signed between Britain and the United States on 9 February 1988 seeks to tighten the net around international drug traffickers and has basically the same affect as the Bill before us today.

Further, the Drug Trafficking Offences Act 1986, provides tough and comprehensive powers to trace, freeze and confiscate the proceeds of drug trafficking and makes the laundering of drug monies a criminal offence. The Act enables assets to be restrained, that is, frozen and confiscated on behalf of designated countries offering similar assistance to the United Kingdom. The Agreement with the United States is the first to take advantage of these powers.

Under the Agreement each country will assist the other in freezing and confiscating assets representing the proceeds of drug trafficking. Additionally, each country will take steps, at the request of the other, to investigate financial dealings including bank records for the purposes of an investigation into drug trafficking.

Mr. President, even in our local banks, if we have suspicions that certain large deposits may have any connection with money laundering from the proceeds of drugs it is our duty to ensure that those accounts are properly investigated. If the parties are innocent then they will go free but, if there is any trace indicating that the money is connected in any way with drug traffickers, then I feel that this Bill before us today, which I hope will become Law very shortly, will become effective in such cases. Also, the existing cooperation in all areas of the investigation and prosecution of drug trafficking offences will be intensified.

This Mr. President, is the section of the release that was issued by the Home Office on 9 February 1988. A section of this was read here in the House on Friday, but this part which I have just referred to was omitted and it summarises the conditions which are contained in the Agreement, signed by the Home Secretary, between the United States and the United Kingdom. They are problems of an international nature, but we also have our own local problem.

We see the increasing problems facing our young people from the misuse of drugs and while this Bill directly focuses on trafficking offences, the positive effects of this Bill are that if we can cut down on the supply of drugs generated by the traffickers we will effectively reduce the chances of drugs reaching our people and especially our young people. If we can cut down the supply, then the amendment to section 18 of the principal Law will make some sense.

I do not feel that consumers whether they are small or large consumers should view the relaxation of section 18 of the principal Law, which will allow judges to issue probation orders, as providing asylums for them or indeed a softening of Government's resolve to stamp out this scourge on our society. The misuse of drugs in any form will not be tolerated in this country. I wish to reiterate that the misuse of drugs in any form will not be tolerated in this country.

This Bill seeks to chop off the roots of this giant and deadly tree called drugs with the view that if the source or the life to this tree is chopped away the rest of the tree will die, the branches will wither and the trunk will die. We have to get at the root cause and the root cause, is the supply being generated by drug traffickers.

The sufferers are those who become addicted. Some of our school children are affected. Often times I am touched as I sit on the Juvenile Bench in our courts and see the young people who come before us who have had a problem with the use of drugs. We cannot any longer continue to bury our heads in the sand. It is not the responsibility of only the police force or of the service clubs or churches or of any organisation such as CASA or the Crest programme. It is the personal responsibility of each member of our society and it is also our duty, if we have any knowledge at all of any drug abuse, to cooperate as fully as possible with the police force. We cannot continue to protect people in this very terrible habit.

Mr. President, some of these individuals, in a need to satisfy their drug habits, will go to any lengths. Up to Friday, a young lady approached a businessman in this town to get money to satisfy her drug habit and told him that I had sent her to get money to help her mother who has cancer. This is the extent to which they will go to satisfy their drug habits.

A young lady also approached me with a sad story about her mother being sick in the hospital. She said that she was being threatened and that she would be locked up by the police if she did not pay a bill for \$25. This is the amount they usually ask for. Apparently \$25 can get them a packet of whatever they want. Luckily for me a lady was passing and called me to her car and right away she asked me if this young lady was seeking \$25, she quoted the amount. She told me not to do it because the money was for drugs.

This problem is trickling down to our very young people and this is why the Bill comes to us now and it is not too soon. It should have been brought to this House long ago and I would expect each Member to give the Bill their support.

Our prisons are 80 per cent filled with young people, most of whom are hooked or have been put there because of drug abuse. I do not feel that if many of these people are addicted, the prison is the right place for them. Perhaps they should be put in some medical institution or a rehabilitation centre where they can be properly and effectively rehabilitated. But, alas the only recourse open to us, when we find someone with an offence under the Misuse of Drugs Law, is to deal with them under the Law. Many of them require more fundamental and basic medical attention.

We have had a rash of serious crimes in this country over the past few recent years and invariably the root cause of these problems can be directly related to some form of participation or involvement with the misuse of drugs. We cannot sit back and pretend that this problem does not exist. It does exist in our country. As Members of this Honourable House we have been put here to represent the best interests of our people and it is incumbent upon us that we do not disappoint them by not giving them proper representation.

It is backward thinking for us to dwell on the past and

play around with statistics of which Government may have done what. While this is good political rhetoric and it has its place in politics, the Bill before us today is so important and fundamental to our future well being that we cannot afford to cloud the importance of this Bill by playing around with statistics. The problem is here. It is with us today and it is our duty, each one of us, to do our utmost to combat this problem.

Mr. President, it is the responsibility of each Member of this Honourable House, including the Official bench, to do their part in discouraging the use of drugs whether or not that Member has a Portfolio responsibility. It is also the responsibility of each well thinking member of our Islands community.

While CASA's aims and objectives are to effectively deal with discouraging the demand for drugs in the Cayman Islands, this bill seeks to deal more specifically with the supply of drugs being brought into this country through drug trafficking. We all know that the basic theory of economics is based on supply and demand. If the demand is cut then the supply will dwindle. If the supply is cut, then the demand will likewise dwindle. The price may be affected in one way or another for the commodity, but if we can effectively deal with the demand and the supply at the same time, we will effectively deal with the problem of drugs in this country. Therefore, this Bill compliments the aims and objectives of Cayman Against Substance Abuse (CASA).

While making reference to CASA I also wish to acknowledge that there have been other organisations that have done a remarkable job in their attempts to deal with the problems of drugs in the Cayman Islands, such organisations started by the Lions Club as the Crest programme which did a very good job. We have also had the churches, service clubs and police department with their 'Say No To Drugs' programme. So CASA is really not the first to have attacked or tried to effectively deal with this problem, but with the aims and objectives of CASA it would appear to me, and this is my personal opinion, that they have gone about it in a much more systematic manner.

I feel that regardless of which group is doing what, that each member of the public within the sound of my voice, must realise that he has a responsibility.

Now, the only objections I have heard here thus far were the objections raised in opposition to proposed sections 16F and 16G of this Bill. These objections, while I would not say they are quite valid, were reasonable objections. However, these provisions are necessary and quite commonly applied in civil cases, having been established, as I said, through the Mareva Injunction. So, there is nothing new or unduly restrictive about the provisions of section 16F and 16G.

Proposed section 16F (c) should put to rest any misgiving that any Members may have regarding cases in which restraint orders may be made. Proposed section 16F(1)(c) reads as follows;

"16F(1)(c) "if the court is satisfied that there is reasonable cause to believe that the person against whom the proceedings have been instituted has benefited from drug trafficking."

Then there is a case for a restraint order. This is protection enough. The court has to be satisfied that there is reasonable ground to bring such proceedings against an individual. It is only in such cases where the court feels that there are reasonable grounds that these proceedings will be brought.

There is no reason why there should be any furor or any anxiety over this section. I will further show where there are further protections to the individual and where his rights are protected.

Another proposed section designed to protect the rights of the accused is contained in 16G(3)(a) which reads:

"16G(3) A restraint order -
(a) may be made only on an application by or on behalf of the Attorney General;"

There are many proposed sections in this Bill that protects the innocent individuals. When we read this Bill and all its clauses and compare it paragraph with paragraph we see that the old tradition of English Common Law is being protective of innocent until proven guilty. There is nothing unduly restrictive about these provisions.

It is useless to have a law that provides for confiscation orders and by the time conviction is obtained the property has been disposed of, removed from the Islands or otherwise dealt with so as to make the confiscation order ineffective. It is also naive to suppose that a drug trafficker is going to leave his assets where they are easily available when he knows they are subject to confiscation if he is convicted.

We have to be realistic. We are not living in a fairy-tale world. We are living in a real world where real conditions exist. There is nothing out of line in proposed sections 16F and 16G, and as mentioned earlier, even in civil cases it is quite common practice in the courts to place restraining orders or Injunctions in cases similar to those stated in this Bill. Further, within the principal Law, that is, the Misuse of Drugs Law (Law 13 of 1973) which this Bill seeks to amend, similar provisions to those contained in proposed sections 16F and 16G of this Bill are contained in section 15 of the principal Law.

Section 15 deals with seizure and forfeiture of vessels, and while this deals with vessels the basic principles stated in proposed sections 16F and 16G are stated here in section 15(1) of the principal Law. It reads:

"15(1) If any constable has reasonable cause to suspect that any vessel is being used or has been used for the commission of any offence against this Law, he may without a warrant search and, if such search reveals evidence that the vessel is being used for the commission of any such offence, seize and detain such vessel."

So, we already have the same situation, as stated in proposed sections 16F and 16G, stated in our principal Law which was passed in 1973. This is not a new thing. This is already a situation and section which exists in our present Law.

That section further gives the drastic actions of forfeiture, etcetera, that can be taken against a person who lately is convicted of an offence under that Law. However, since proposed sections 16F and 16G deal more specifically with the restraining order and not a conviction, section 15(1) of the principal Law is more applicable.

Before moving on I would like to say that I was very pleased to see the editorial that appeared in today's issue of the Caymanian Compass. This more than reinforces our resolve to try to stamp out drugs in the Cayman Islands. It states:

"The suggestion to suspend driving licences of persons who are convicted of drugs offences is worth looking into."

This is also important and I feel that it is a relevant section for me to speak on this morning. It further states that:

"The idea was mooted by the Senior Magistrate, sitting as Coroner, after a number of

Inquests where it emanated that drugs and alcohol were implicated in a number of traffic deaths.

At the most recent Coroner's sitting, 14 sudden deaths were examined and half of the deceased had consumed alcohol or drugs, or both, before their deaths."

Mr. President, this is what is happening to our country and this is being caused because of the free reign which a lot of drug traffickers have had thus far. But this Bill is seeking to put a clamp on this to try to improve the situation. Our people are dying because of the use of drugs - useless, needless, and untimely deaths.

"Each of these deaths represents its own tragedy, a loss for the country as well as for the grieving families."

The article continued.

"Perhaps the unnecessary deaths of the young men are particularly upsetting - they stand for a productive and useful future snuffed out, hope dashed and promise denied."

This is the situation, Mr. President, which we are trying to prevent from escalating in this country - the use of drugs.

"The danger that people put themselves into when consuming drugs, drinking and driving, and particularly when they do all three, is obvious.

The number of instances where both alcohol and cocaine are used, with each multiplying the affect of the other, seems to be on the increase."

It is a serious situation!

"It is a dangerous mixture not only for the person who consumes it. If such a person drives a car, he or she is a deadly hazard for many others who may cross their path on the road.

The contention that drugs cause damage only to the person who uses them certainly does not hold true for users who drive."

A very timely editorial and well thought out! If it was not I would be the first to say so, as the Compass can attest. When they hit issues as they have been doing so recently they deserve credit.

"Driving permission is a privilege, and it is not unreasonable to suspend licences to persons who present a high risk to themselves and other road users.

For convicted drug users, the likelihood that they pose such a risk is great. With the addictive nature of illicit drugs, particularly the now widely used cocaine and crack, it is more than likely that a user who also drives will at one time or another drive under the influence of drugs.

A drug conviction clearly identifies a person as a serious hazard in road traffic. Lives are at stake."

The editorial concludes:

"It does not seem unreasonable to suspend driving privileges for such people upon conviction, giving them an opportunity and another incentive to rehabilitate themselves."

Mr. President, I fully support this move and the situation which is being contemplated at this time to protect innocent people. That editorial is good, it is timely and it should be seriously considered by each one of us for its merits.

This Bill, which I hope will soon become Law, is designed to send a message to drug traffickers and drug offenders generally, but in particular, while it is intended to send a message to drug offenders generally, it is intended to send a message to drug traffickers.

Our society backed by Government, does not condone dealings in drugs. It is not acceptable to this Government that drug traffickers should only spend a few years in prison and then when released still have proceeds of their crime to enjoy.

If the Law was not amended as contemplated in this Bill, the drug trafficker's motivation to continue to push drugs would be encouraged. He must get the clear message that it does not pay to be a criminal or more specifically to be a drug trafficker or pusher. We are not moving away from the fundamental principles of common Law of Innocent until proven guilty, but we must also be realistic.

Sufficient safeguards are being put into the Law through this Bill to ensure due process of Law. As I said on Friday last, we must have confidence that our Judiciary, that is the judicial arm of Government, will be mindful of the fundamental principles that apply when restraining orders are being applied. However, as stated earlier, protective measures are already contained in proposed sections 16F(1)(c) and (3) and 16G(3).

For any doubt as to the efficacy and probity of these proposed sections, I would again, make reference to them. One is that it shows that the court has to be satisfied that there is reasonable cause to believe that a person, against whom the proceedings have been instituted, has benefited from drug trafficking.

In proposed section 16F(3) it states:

"Where the court has made an order under subsection (1) of section 16F by virtue of subsection (2) of this section, the court shall discharge the order if the proposed proceedings are not instituted within such time as it is considered reasonable."

In proposed section 16G(3) it states that a restraint order may be only made on application by or on behalf of the Attorney General.

By reading those three proposed sections in particular, it should remove any doubts that may be lurking in the minds of Members of this Honourable House or of the general public that their rights are fully protected under this Bill and under the principal Law.

Also, proposed section 16K makes provision for

compensation in appropriate cases. I would wish to deal with this particular proposed section in more detail as it is very important to this whole Bill that this section has been included.

Proposed section 16K deals with compensation and it reads:

- "(1) If proceedings are instituted against a person for a drug trafficking offence and either -
- (a) the proceedings do not result in his conviction for any drug trafficking offence; or
 - (b) where he is convicted of the offence -
 - (i) the conviction concerned is quashed without a conviction for any other drug trafficking offence being substituted; or
 - (ii) Her Majesty has granted pardon in respect of the conviction,

the Grand Court may, on an application by a person who held property which was realisable property, order compensation to be paid by the Government to the applicant."

But, Mr. President, subsection (2) of the proposed section 16K states:

- "(2) The Grand Court shall not order compensation to be paid in any case unless the court is satisfied -
- (a) that there has been some serious default on the part of a person concerned in the investigation or prosecution of the offence concerned and that, but for that default, the proceedings would not have been instituted or continued; and
 - (b) that the applicant has suffered substantial loss in consequence of anything done in relation to the property by or in pursuance of an order of the Grand Court under subsection (5) of section 16G or subsection (4) of section 16H.
- (3) The amount of compensation to be paid under this section shall be such as the Grand Court thinks just in all the circumstances of the case."

There is no question that this Bill provides complete and full protection to individuals falling under this Law. It can clearly be seen that adequate safeguards are built into this Bill to protect innocent individuals, thus recognising and preserving the age-old principle of common law - innocent until proven guilty. But this Law, in order to be effective, must have teeth otherwise it will be a useless piece of legislation.

Offenders will continue to enjoy the fruits of their crimes. They will continue to live in luxurious homes, drive expensive cars and to live styles that they could only live by the use of drugs. However, thus unfortunately sending a negative message to our impressionable young people that it is 'chic' or that it is 'cool', the right thing or it is desirable to be involved in drugs. Such a message must be discouraged and stopped before it is too late.

This Bill is designed as far as possible to stop the traffickers and the pushers and to make drug trafficking a less acceptable way of becoming wealthy and a less acceptable risk to take. Real action has to be taken now. I will repeat that it has to be taken now before it is too late.

I would now turn to clause 7 of the Bill which I consider an improvement on the relevant section. Section 7 of this Bill seeks to amend section 18 of the principal Law. Section 18 of the principal Law dealt with Probation of Offenders Law and sections 30 and 31 of the Penal Code was not applicable. It reads:

"18. Where a person is convicted of an offence under this Law"

- and this is dealing with the principal Law - Law 13 of 1973,

"... and the powers of sentence for that offence are contained in subsection (2), (3) or (4) of section 13, neither the Probation of Offenders Law nor section 30 and 31 of the Penal Code shall apply for the purpose of avoiding or mitigating that sentence."

But, Mr. President, the amendment to section 18 of the principal Law now give the Judge some amount of flexibility and the Judge can now give probation orders for drug users.

Clause 7 of the Bill amends the principal Law as follows:

- "7. Section 18 of the principal Law is amended by -
- (a) substituting "(1) Subject to subsection (2), where" for "Where" in the first line;

but more importantly by:

- "(b) adding the following new subsection -
- (2) Subsection (1) does not apply where a person is convicted of an offence under paragraphs (k) or (l) of subsection (1) of section 3 in relation to a controlled drug that - "

and subsection (1) of section 3 of the Misuse of Drugs Law (Law 13 of 1973) referred to here as the principal Law, reads as follows:

"3.(1) Whoever, without lawful excuse or without being authorised in that behalf -

- (k) possesses, constructively or otherwise, or
- (l) consumes ..."

such drugs. Section 3 deals with the offence in dealing with controlled drugs unless authorised.

This is the flexibility given to the Judge. By adding this new proposed subsection it shows that subsection (k) or (l) or section 3(1) of the principal Law would not now apply. But, Mr. President, this is in relation to a controlled drug which the proposed new subsection (2) as set out in clause 7(b) of the Bill, states:

- "(a) is not a hard drug, is less than one pound in weight, and the power of sentence for that offence is contained in subsection (2) of section 13; or
- (b) is less than two ounces in weight and the power of sentence for that offence is contained in subsection (4) of section 13;"

This is good and as I said earlier Mr. President, it is not an attempt to make anybody believe that Government's resolve in this particular instance has softened, but it is Government's recognition that there is a fundamental difference between the pusher or the trafficker and those who consume small amounts. We are not encouraging that. We will discourage that in every way we can. The Law already provides penalties for the misuse of drugs, but I feel that clause 7 is a reasonable amendment. This is a good and timely measure.

I trust, Sir, that this Bill, which I hope will receive the full support of all Members of this Honourable House, will continue to clean up the problems of drugs in the Cayman Islands.

All of us here, Sir, together with the assistance of our whole community, involving our schools, churches, the police force, the service clubs and all should be working towards the same common goal of eradicating drugs in the Cayman Islands.

As the Honourable Third Elected Member of Executive Council warned, we should deal with this Bill as a matter of national importance and of national interest and should not get bogged down in politics in such a matter.

Mr. President, while we can appreciate that this is an election year and that the political fever is much in the air, the problem of drugs in the Cayman Islands is of such fundamental importance that we should not get carried away and we should deal with this Bill today exclusive of any political feelings.

As stated in CASA's aims and objectives, it will take not only Government, but each member of our Islands' community to fight this problem. Therefore, let us all work together towards this common end.

Thank you, Mr. President.

MR. PRESIDENT:

Does any other Member wish to speak?
The Honourable the Second Official Member of

Executive Council.

HON. RICHARD W. GROUND:

Mr. President, I rise to support this Bill.

In general terms I think that it would be accepted by all that drug traffickers should be deprived of the proceeds of their crime, if for no other reason, simply on moral grounds. However, there is also the strong practical argument that they should be deprived of the proceeds and the benefits of the crime so that they cannot bank those proceeds and have them waiting when they come out from prison to enable them to live a life of luxury off the proceeds of the misery of their customers.

It is also right that by depriving the trafficker of the proceeds of his crime he should be thereby forced to contribute to the society that he had exploited and upon which he has imposed the financial burden of enforcing the Misuse of Drugs Law and also the great burden of rehabilitating the users of drugs.

Having said that I do not intend to dwell anymore upon the principle behind this Bill and I rise really to deal with two technical points that have arisen during the course of this debate.

The first arises out of the address of the Honourable Member presenting the Bill and I feel that I should expand upon a point that he made which is about the preservation of secured loans and other securities under the provisions of the Bill.

The Honourable Member drew the attention of the House to the proposed new section 16E(5) of the Bill which reads:

"For the purposes of this section, the amount that might be realised at the time a confiscation order is made is -

- (a) the total of the values at the time of all realisable property, less
- (b) where there are obligations having priority at that time, the total amounts payable in pursuance of such obligations,"

The Honourable Member rightly pointed out that that section protects securities for loans but he did not fully expand upon the mechanism by which it protects secured loans. I think it is right that I do that now so that by doing so the banking and financial community generally can be reassured as to the methods by which those securities are protected.

The Honourable Member drew attention to the words "having priority" in the proposed subsection (5)(b) and pointed out that obligations having priority are defined in the next subsection and basically there any obligation that would have priority on the bankruptcy of an individual or the insolvency of a company. In fact, if one goes and looks at the Bankruptcy Law or the Companies Law, obligations which have priority are quite limited and basically they boil down to an obligation to pay the wages of people employed by the bankrupt or the insolvent company.

It is not that expression 'obligations having priority' which in fact protects secured loans. The mechanism for that is slightly more complicated and if I could just trespass upon the patience of the House I would like to run through the way the Bill does it.

To do that I first of all have to begin right at the beginning of proposed section 16E which is subtitled "Amount to be recovered under confiscation order". The first subsection says:

"(1) The amount to be recovered in the case of a person against whom proceedings

have been instituted for a drug trafficking offence under the confiscation order shall be the amount the court assesses to be the value of his proceeds of drug trafficking."

The proposed section then goes on in subsection (3) to say that :

"If the court is satisfied that the amount that might be realised at the time the confiscation order is made is less than the value of the proceeds of his drug trafficking, the amount to be recovered under the confiscation order shall be the amount appearing to the court to be the amount that might be so realised.

In other words, it is the realisable amount that can be recovered.

Now, 'realisable amount' is defined in subsection (5) of the proposed section which is the subsection the Honourable Member rightly drew Members' attention to. Subsection (5) says that:

"For the purposes of this section, "

that is, the whole of proposed section 16E,

"the amount that might be realised at the time a confiscation order is made is -

(a) the total of the values at that time of all realisable property, "

and it is that word "values" that is the key to the preservation of secured interests because the value of assets is given a special meaning under the Law by proposed section 16N(3).

Section 16N comes at the end of the new provisions and is a wrap-up provision which contains some definitions, special provisions relating to gifts and it then contains a special provision relating to the assessment of the value of realisable property. Proposed section 16N(3) tells us that:

"Subject to subsection (5) of section 16E and to subsections (1), (2), (4) and (5) of this section, for the purposes of this Law the value of property (other than cash) in relation to any person holding the property is -

(a) where any other person holds an interest in the property, the market value of the first mentioned person's beneficial interest in the property, less the amount required to discharge any incumbrance on that interest;"

Now, if I may just go through that again - the value is where any other person holds an interest in the property. In other words, this includes where the property is charged to secure an advance or a loan from some other person. Where there is such an incumbering interest then the value is the market value of the first mentioned person's beneficial interest. The first mentioned person is the convicted person - the drug trafficker. It is the market value of the drug trafficker's interest less the amount required to discharge the incumbrance. In other words, less the amount required to discharge the security.

Mr. President, it is under that extended definition of 'value' that the bank or other lender holding a security can enforce that security and ensure that it is protected.

There are other ancillary provisions in the Law which, when the court is supervising or ordering the realisation of assets, allow another person holding an interest by way of charge to come forward and be heard and also allows the court to make provision for them to buy out the drug trafficker's interest and in that way realise their security, or for their interest to be taken account of when an asset is sold. In other words, they will be paid out in priority just as they would under an enforced sale on a charge.

So there are those rather complex and technical provisions buried away in the Law. I am drawing attention to them now and I hope that the Honourable First Official Member can look at them and satisfy himself that they meet their requirements and interests.

Just to complete the cross references. The subsection which allows an incumbrancer to be heard is section 16H(7) and that which allows an arrangement to be set up whereby the incumbrancer can buy out the drug trafficker's interest, is proposed section 16H(6).

Now, having dealt with that I would like to move on and deal with a substantive point raised by the Second Elected Member for Bodden Town in which he objected to certain specific provisions in the Bill. He objected to those provisions allowing for the making of restraint orders, that is the new sections 16F and 16G. I would like to deal with these in the hope of reassuring Members that these provisions do not represent an undue invasion of the rights of the individual and of reassuring Members that they will not be abused and finding that if they are abused there are provisions in the Law to meet that. In reassuring Members I also hope to reassure the public listening in to the debate.

First of all, I would like to stress and point out that provisions like those contained in the restraint order sections are absolutely necessary to make a Bill of this kind or the broader confiscation provisions contained in this Bill workable. If they are not there, then somebody who is charged with drug trafficking or knows that he is about to be charged with drug trafficking can in the modern world, realise and dispose of his assets very quickly. If those assets are held in banks or other financial institutions as cash or as something representing cash, they can be disposed of on a telephone call, at the drop of a hat. So a person when arrested, making his one telephone call from the Prison can make arrangements for the realisation or transfer of his assets then and there and can thus thwart all the other confiscation provisions contained in the Law.

It would be all very well and fine if we can stand up to the world and say that we have a Law which allows us to confiscate the proceeds of drug trafficking. But it would frankly be a waste of time if the drug trafficker can dispose of those proceeds while the machinery of justice is going through and while the fairly lengthy time to bring him to court is elapsing. At the end of day when the court convicts him and enquires into his assets he may stand there and say, "My Lord, I have none in the jurisdiction.", and that would frankly, Mr. President, make a mockery of the Law and a mockery of the efforts of those who seek to enforce it.

Mr. President, that is why they are necessary. The provisions relating to restraint orders, as the Second Elected Member for George Town has very rightly and correctly pointed out, are based upon and parallel the provisions that have been developed in the common Law relating to civil court actions. The Law as it now stands, in relation to civil court actions, is that if there is a fear or a risk that the defendant, in such an action, may dispose of his assets so as to defeat a judgment against him an injunction may be obtained very early on in the action. In extreme cases before the action is commenced although usually it is done at the same time the action is commenced, an injunction can be obtained to freeze

his assets pending the resolution of the dispute.

I have in my hand a photocopy of the notes to the Supreme Court Practice, that is the United Kingdom's Supreme Court Practice, which addresses this issue and the note deals with what are called Mareva Injunctions and they take their name from the case in which the Judges, and it was not just the Judge of the High Court, this was a case that went all the way up to the House of Lords, in the United Kingdom first developed and sanctioned this remedy. The note begins by saying:

"Many judicial systems provide means for preventing a defendant dissipating or concealing his assets so as to make a judgment against him worthless or difficult to enforce."

I am skipping a bit, but the note then goes on to deal with the case where they were developed and says that:

"The practice sanctioned by this decision has grown rapidly and been widened. An injunction may be granted to a plaintiff with a proper claim in any case where there are grounds for fearing that the defendant may defeat justice by transferring assets abroad or by concealing them in this country. The procedure has received the recognition and approval of Parliament."

It then quotes a United Kingdom's statute that recognises that. However, the words that I would like to stress in that note is that this is where it is "feared that the defendant may defeat justice". Mr. President, that is what is done if a defendant in a civil action, or if a drug trafficker being prosecuted for a drug trafficking offence can dissipate his assets or send them out of the jurisdiction where they cannot be amenable to the proceeds of our court and justice is defeated.

The note goes on to list certain principles that have been involved in the context of the common law and in the context of civil Mareva injunctions. It notes that the jurisdiction to freeze assets has given rise to a number of problems. To be efficacious it must be swift and secret in the sense that the injunction must almost always be granted *ex parte*, without notice to the defendant, yet if granted unjustly it may do incalculable damage to the defendant. These considerations were reviewed by the Court of Appeal in one of the leading cases and the Court of Appeal developed certain rules which I am sure the Grand Court here would apply in approaching injunctions or restraining orders made under these new provisions.

One of the rules developed in civil actions is that the plaintiff, seeking to obtain such an injunction, must give an undertaking in damages. In other words, he must promise and if necessary put up security so that if he loses the action or if the defendant can show that he has been damaged by having his assets restrained, the man so damaged can be recompensed. That provision is recognised in the Bill by the compensation provisions and I would like to come to those in a minute to deal with them.

Certainly the fear, however, which the Second Elected Member for Bodden Town addressed, that somebody might be damaged, is a real one. It is one that I recognise, it is one that the courts have recognised, it is one that in the civil arena has been dealt with by what is called an undertaking in damages and it is one which I hope here, will be dealt with by the compensation provisions in the Law.

The notice to the Laws and the procedure to be applied goes on. I am missing out great parts of it, but the Member can certainly see this note if it would help him when I am finished. The note goes on to note that:

"The Mareva injunctions should allow for all drawings relating to the defendant's reasonable living expenses not exceeding a specified sum, which should take into account his very special circumstances and expenses including nursing fees and payment of other specified accounts and payment on account of his solicitor's costs."

And it notes that:

"The defendant may apply to vary the injunction accordingly."

In other words, the courts, when dealing with this issue in a civil context, have been at pains to allow the defendant to draw enough money not just to maintain himself with reasonable living expenses, but also to pay his lawyer's costs. As I understood it, that was a great fear that the Second Elected Member for Bodden Town had. That this might deprive a man of the means of paying his lawyers and that therefore he would not get a fair trial. All I can say is that that has been, in the civil context, recognised and written into the procedure and practice applying to these matters.

I can say something which I hope is stronger than that and that is that first of all I cannot believe or see that any proper court in this jurisdiction is going to abuse the procedure to deprive a defendant of the means of representing himself. I hope that the time will never come when the Grand Court here would so lose sight of the principles of justice that it would do this.

I can go a step further and say that there is absolutely no doubt whatsoever that should the Grand Court here be so foolish as to do that, its order freezing the assets so as to deprive the accused of the means of representing himself would be subject to appeal and would be subject to appeal to the Court of Appeal and then to the Privy Council. If while that appeal process was going on, the trial of the main issue, the trial of his guilt, was heard and was heard with him being improperly represented because his assets had been frozen, then his conviction can be appealed to the Court of Appeal and to the Privy Council.

Depriving a man of his right to representation is a ground of appeal that both of those higher Courts will recognise and no prosecutor, at least while I am here, is going to be so foolish as to mess up or run the risk of damaging an otherwise good conviction by imposing a foolish, unnecessary and unduly restricting restrictions upon an accused person's right to get the legal representation that he wants.

So, (a) there is a right of appeal; and (b) to ignore the basic rules of natural justice in this regard is simply going to cause the prosecution enormous troubles and in the end could well result in the drug trafficker going free if he had been deprived of his fair representation.

Now, there is another important safeguard that I want to mention. Again it has been touched on, indeed dealt with at some length by the Second Elected Member for George Town. I do not want to go over the ground that he has covered, but I think it worth pointing out that the jurisdiction to grant restraining orders is not one vested necessarily in the Court of Trial but is one vested in the Grand Court. In other words, although a case may be proceeding before the Magistrate's Court, only the Grand Court has jurisdiction to entertain applications for and grant restraining orders.

The reason for this is that the Grand Court is a court which is experienced in the area of injunctions generally and more particularly in the area of precisely such injunctions as this, in other words the civil Mareva injunctions. So it is in the Grand Court and in the Judge of the Grand Court that this power is vested. The Grand Court, before making such an order, has itself first of all to

be satisfied that there is a reasonable cause to believe that the person against whom the order is sought has benefited from drug trafficking. But then, the Grand Court also can hear from the party against whom the restraining order is made.

Now, under proposed section 16G(3)(b) it is right that an application for such an order be made *ex parte* in the first instance. The reason for that is, I hope obvious. There may be cases where it is necessary to put the freezing order in place before the party against whom it is issued knows anything about it, so that he can be prevented and the financial institutions can be prevented from dealing with his assets before he is alerted to the fact that he is about to be prosecuted. However, an order that does so has also to provide for notice to be given to persons affected by the order, and that proposed 16G(3)(c), and it also provides in proposed section 16G(4) that a restraint order may be discharged or varied in relation to any property.

What will happen in practice and what happens in civil Mareva Injunctions is that the order is made *ex parte*, it is then served upon the person concerned and upon any known banks or financial institutions holding his assets. The person concerned can either acquiesce in the order or as is more likely, can then come back and apply to the Court for the order to be discharged or varied. He can apply for it to be discharged by arguing that there are no grounds to make it or he can apply for it to be varied by coming forward and saying that he is not going to argue the big issue of whether there are any grounds to make it or not, but that he needs these assets to run his business, that he needs these assets to live, that he needs these assets to pay his lawyer and the court can then decide whether that is accurate or not and can vary the order to allow him to do that.

So that, Mr. President, is the second great safeguard in these provisions, that it is the Grand Court and that the person concerned can come back and have his say. Now, one other concern which I understood the Second Elected Member for Bodden Town to advance, and I hope that I am not misrepresenting

MR. PRESIDENT:
will need for this section?

Excuse me one moment. How long do you think you

HON. RICHARD W. GROUND:
happy to take it later.

I think I need another five or 10 minutes. I shall be

MR. PRESIDENT:
for 15 minutes.

I think we should suspend. Proceedings are suspended

AT 11:33 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 12:01 P.M.

MR. PRESIDENT:
Executive Council.

Proceedings are resumed.
The Honourable the Second Official Member of

HON. RICHARD W. GROUND:

Thank you, Mr. President.

Before the suspension I was just about to turn to the question of prejudice of a trial. Before I do that I would like to go back and mention a point in relation to compensation because the suspension has given me an opportunity to check a point and to confer with the Legal Draftsman on it and I would just like to deal with it now.

The provisions relating to compensation are contained in proposed section 16K and the cases in which a court can order it are set out in proposed subsection (2):

"(2) The Grand Court shall not order compensation to be paid in any case unless the court is satisfied -

- (a) that there has been some serious default on the part of a person concerned in the investigation

And then, under sub-paragraph (b):

- "(b) that the applicant has suffered substantial loss in consequence of anything done in relation to the property by or in pursuance of an order of the Grand Court under subsection (5) of section 16G or subsection (4) of section 16H."

Mr. President, I was slightly troubled by the quotation of specific subsection references there because I feared that that might unduly restrict the power of the Grand Court. I spoke to the Legal Draftsman during the suspension and he confirms to me that they are more restrictive than the parallel provision from which this is derived in the United Kingdom Law and that restriction should not be there, it is not intended, and so with the Chairman's leave I will seek at the Committee Stage when we consider this clause to delete the reference to subsection (5) and to subsection (4) so that the compensation provisions will apply to all orders made under the whole of proposed section 16G or 16H. That will make the provisions broader and will save any argument at a later date that they should be narrowed to the rather narrow provisions of those two subsections.

As I say, Mr. President, I am grateful that the break gave me an opportunity to confirm that while still speaking.

I want to now move on to deal with the final point which the Second Elected Member for Bodden Town had raised in respect of restraint orders. His point, as I understand it and I hope I do not misrepresent him in this, is that if the Grand Court has considered the matter and awarded or made a restraint order that that might prejudice an ultimate jury trial because it will amount to some prejudgment of the merits by the Court and that might affect a jury's consideration of the matter.

First of all I think as most people are aware, most drug cases in this jurisdiction do get tried before the Summary Court. However, the Member is right that in certain serious cases, and these will particularly be trafficking cases, the accused does have the right of election of trial by jury. So there will be cases involving allegations of drug trafficking that will go to a Judge and Jury. However, I would seek to reassure the House that the award or the making of a restraint order at any early stage in the proceedings is not going to prejudice that jury trial for two reasons.

First of all the hearing and the award of a restraint order will be done in Chambers. It will be done in private and not in public. The evidence taken in Chambers cannot

be published and there is a provision in the Penal Code, section 99, which makes it a criminal offence to publish the record of evidence taken in Chambers. So the question of the application for the hearing of and the making of a restraint order is not something which is going to appear in the press or be widely bruited abroad.

Secondly, and to my mind much more importantly, all the Grand Court is doing when it decides that a restraint order should be made in any given case is deciding that there is reasonable cause to believe that the person against whom the proceedings have been instituted has benefited from drug trafficking. It is simply deciding that question of 'reasonable cause to believe'. It is not deciding the question of guilt on the burden of proof which applies in criminal matters.

Now, before any criminal case can get to a Jury, a court has to be satisfied that the Crown has made out a *prima facie* case. It does this at the preliminary enquiry. Now, the preliminary enquiry is a hearing in open court before the Magistrate's Court where the court can either hear the Crown's evidence or with the consent of the accused it can avoid hearing the evidence and make a ruling by agreement. On the ruling that it makes, whether it hears the evidence or it does it on the accused's acceptance, is that the Crown's evidence makes out a *prima facie* case. A *prima facie* case is a case where the Crown's evidence stood alone without rebuttal and without being challenged by cross-examination, where that evidence alone would be sufficient to support a conviction.

Now, as I say, that is done in open Court under the Criminal Procedure Code. The Summary Court, when deciding whether there is a *prima facie* case, is in fact coming to a much firmer view of the strength of the Crown's case and the strength of the allegations against an accused than the Grand Court would be coming to when it decides whether to make a restraint order or not. All the Grand Court has to be satisfied of is whether there is reasonable cause to believe that a person has benefited from drug trafficking.

So, the degree of prejudice is less than that which Legislators and the whole tradition of our Law have found acceptable, frankly, from time immemorial. So, though I can see the Second Elected Member for Bodden Town's concern in this, I would urge to him the two points - first of all that all this will be done in private anyway, it will not be made public and generally will not be known. Even should it get out - and one knows the power of the marl road and of gossip - the Grand Court's finding does not imply or mean any more than the finding which will inevitably have been made by a court before the matter can reach a jury anyway. Those two considerations are considerations I would urge upon the Member and urge them to offer him some comfort in this worry.

Mr. President, that concludes the remarks that I wish to address to the technical points that had arisen during the debate on this Bill.

My submission to the House is that it is an important Bill, it is a Bill which does three things. It advances the machinery that can be put in place for generally combating the drug menace by setting up the Advisory Council. It gives the enforcement authorities and the courts strong and necessary powers against convicted drug traffickers and, it opens the door to rehabilitation by amending section 18 of the principal Law to allow for probation in cases of possession for personal use. Those three points are all important prongs in the continuing war against the drug trade.

Thank you, Mr. President.

MR. PRESIDENT:

The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL:

Mr. President, I rise to support the Bill now before this Honourable House - A Bill for a Law to Amend the Misuse of Drugs Law (Second Revision) (Law 13 of 1973).

I feel this is a very necessary Bill. A Bill that will go down in history, I think it is at the top of the importance of what we have dealt with in recent years in this Honourable House. I think all of us are aware of the damage that is being caused to our Islands, our homes, and the reputation internationally that we have become an haven for drug traffickers. Due to our geographical location being between the source where it is grown and countries where it is needed, we are ideally located whereby our country has been used to some extent and that use has made many of our youth today addicted to a substance which I doubt they will ever be fully rehabilitated.

I feel it is the duty of all responsible Legislators to support this Bill for it is providing an opportunity for the courts to get at the drug traffickers and the profits and proceeds made from drug trafficking. It is not the little boy or girl who get involved and they damage their lives, but it is these giants who derive millions of dollars, serve short prison sentences and come out to go back into the trade or live like millionaires at the expense of the lives of many people. I consider drug traffickers murderers for they have contributed to the deaths of hundreds of thousands around the world, to terrorism and all else.

Mr. President, I feel this a very timely Bill. I would like to thank the Honourable First Elected Member of Executive Council for the able way in which he presented the Bill. I am sure he cleared up a lot of questions which the listening public may have had. I would also like to thank the Honourable Second Official Member of Executive Council for his able legal interpretation of the Bill and I think now that we and the listening audience should be fully conversant of the meaning and effect of this Bill.

Before going into the Bill itself I would like to thank the organisations which have helped in drug eradication and the control of illegal drugs in these Islands. The Lions Club has for many years been involved in campaigns to combat the problem. The Royal Cayman Islands' Police Force are to be complimented for its efforts in the 'Say No to Drugs' Programme, and recently the formation of CASA (Cayman Against Substance Abuse). I wish to congratulate that organisation for the efforts it is making and I would like, at this time, to invite the Honourable First Elected Member of Executive Council to assure me that CASA and the Drug Counsellor will include my district in this very vital service which they are offering to the community.

I congratulate each and everyone of them. I am very grateful to Mrs. Scott, our First Lady, for her active part in this. Internationally we have all seen the benefits derived from the efforts of the First Lady of the United States of America, Mrs. Reagan, and I think that with our First Lady putting her wholehearted support behind this it will be very beneficial in making CASA a success which I generally hope it will be.

Mr. President, clause 3 of the Bill seeks to add a proposed new section 2A establishing a statutory body called the Advisory Council on the Misuse of Drugs. It is sought to confer on that Council a general duty to keep under review the drug situation in the Islands and to advise the responsible Honourable Member on the measures which they think ought to be taken for the prevention of the misuse of drugs or in dealing with social problems connected to their misuse.

I have had several calls from and have discussed with many people in my constituency what the Advisory Council means as it is not quite clear to them. With your permission I would like to read clause 3 of the Bill which clearly sets out the aims and the formation of this Advisory Council:

"3. The principal Law is amended by inserting the following new section immediately after section 2 -

"Advisory Council.

2A.(1) There is hereby established an Advisory Council on the Misuse of Drugs.

(2) The Governor shall appoint a chairman, a deputy chairman and not more than ten nor less than five other members of the Advisory Council, after consultation with such persons as he considers appropriate, and such members shall include -

- (a) at least two persons appearing to him to have wide and recent experience in the respective health professions of medicine and pharmacy, within the meaning of the Health Practitioners' Law, 1974; and
- (b) at least two persons appearing to him to have wide and recent experience of social problems connected with the misuse of drugs and other substances.

That is what will constitute the Advisory Council. Its duties, the clause goes on:

(3) It shall be the duty of the Advisory Council to keep under review the situation in the Islands ..."

and I call attention to the word "Islands" here. It means Grand Cayman, Cayman Brac and Little Cayman.

"... with respect to controlled drugs and other substances which are being or appear to them likely to be misused and of which the misuse is having or appears to them capable of having harmful effects sufficient to constitute a social problem; and to give to the Member, ..."

the "Member" being the Honourable Member responsible for Health Education and Social Services.

"... where either the Advisory Council consider it expedient to do so or they are consulted by the Member, advice on measures which in the opinion of the Advisory Council ought to be taken for preventing the misuse of such drugs or other substances or dealing with social problems connected with their misuse, and in particular on measures which in the opinion of the Advisory Council, ought to be taken for -

- (a) restricting the availability of such drugs and other substances or supervising the arrangements for their supply;
- (b) enabling persons affected or likely to be affected by the misuse of such drugs or other substances to obtain proper advice, and for securing the provision of proper facilities and services for the treatment, rehabilitation and aftercare of such persons; ..."

and I call particular attention to the words "rehabilitation and aftercare of such persons".

- "(c) promoting cooperation between the various persons, clubs, societies, associations or other bodies, or any department, branch, agency or organ of Government, which in the opinion of the Advisory Council have a part to play in dealing with social problems connected with the misuse of such drugs and other substances;
- (d) educating the public or a section of the public in dangers of misusing such drugs and other substances and for giving publicity to those dangers; and
- (e) promoting research into, or otherwise obtaining information about any matter, which in the opinion of the Advisory Council, is of relevance for the purpose of preventing the misuse of such drugs and other substances or dealing with any social problem connected with their misuse.

(4) It shall also be the duty of the Advisory Council to consider any matter relating to drug dependence or the misuse of drugs or other substances which may be referred to them by the Member and to advise him thereon.

(5) The Advisory Council may appoint one or more committees, which may consist in part of persons who are not members of the Advisory Council, to consider and report to the Advisory Council on any matter referred to them by the Advisory Council.

(6) At meetings of the Advisory Council the quorum shall be one-half of the members appointed, and subject to that the Advisory Council may determine their own procedure.

(7) The Governor, in the exercise of his own deliberate judgment and subject to such conditions as he may impose, shall approve of the secondment of a public officer (not being a member of the Advisory Council) to be the secretary of the Advisory Council to perform all the secretarial and clerical functions thereof and to attend all its meetings and take minutes of the business transacted there of"

Mr. President, I read this particularly so that the listening audience could understand exactly what the Advisory Council is, as I think that is a very important part of the Bill. The Honourable Second Official Member has fully explained now the legal technicalities of the new section 16E through 16N inclusive. I will not attempt to do so as I am not a lawyer nor do I have any legal qualifications to trespass into these sections.

In summing up I would just like to say that I feel that clause 7 of the Bill, gives the Judge a chance to grant probationary sentences for small amounts of a hard drug, if it is less than one pound in weight, or two ounces in weight of a hard drug. I think this is an improvement to the principal Law. For incarcerating addicts for several months or years to then come out without being rehabilitated they tend to go back to the same problems. However, if these addicts get probation with the associations that are now active within our community and with the efforts which Government will be making to rehabilitate these unfortunate people I feel that we will be able to do more with them there than we could do with them at Northward.

In conclusion, I would like to again echo the sentiments of my colleague from Cayman Brac, the Honourable the Third Elected Member of Executive Council, who said that this is of national importance. I support him wholeheartedly in that and I ask all Members and persons within the hearing of my voice to support the organisations that are attempting to control the use of drugs in our Islands so that we may have a better place to live.

Thank you, Mr. President.

MR. PRESIDENT:

The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN:

Mr. President, in speaking on this Bill I do hope that my words will not be misconstrued as they often are in this House. I would like to say that I praise the Government for bringing this Bill before the House. I do not agree with the Bill wholeheartedly and I will point out the sections that I do not agree with. In pointing them out I hope that the Honourable Members of the Government will take it as constructive criticism and not as something that cannot be considered because it comes from the opposition side of the House.

I do not really have to state, in this House, my stand in regard to drugs. I think that the stand that my colleague from the district of Bodden Town and I have taken over the years is well known by everyone in these Islands. However, I would like to remind the House and the people of this country that our duty as Legislators is not only to put laws on the statute books that will convict the guilty, but we must also put laws on that will protect the innocent.

This has some broad implications because we must think of some of the things that have gone on before and is going on now in this country. We must protect and we must define in this Law because we as laymen do not readily interpret some of the other Laws that would be relevant to and make this particular Bill work. I have heard many other Laws quoted in the House which it is said apply but we, as laymen, do not know how they apply. We do not know what Law to look into to find out where something might be applicable.

I appreciate, very much, the submission made by the Honourable the Second Official Member, but it would be better for the future if with Bills coming before the House, such as this one, that have wide sweeping implications if the Honourable Second Official Member as the legal mind of the House would, once a Bill has been presented to the House by the Honourable Member piloting it, get up and explain some of the things like he explained a while ago. It may help to lead us in our deliberations.

The Honourable Second Official Member did speak about something that my colleague, the Second Elected Member for Bodden Town, said with regard to the effect of a jury trial. I must here again say that I am not convinced that if the actions that are contemplated in this Bill were taken it would not effect a jury trial because this is a small community and if a person's business was automatically closed by the actions of this law or if his plane or ship was seized, it becomes public knowledge why they have been seized. So it would have to have some effect with regard to a jury trial in a community as small as this.

Mr. President, it is my humble opinion that we in this country are paying a very high price with respect to Bills coming to this House which are not fully studied and thought out and which become law. We then find ourselves trying to act under these laws, find that our hands are tied and then find that we have to come back at the next Sitting to make amendments. This constantly happens because we rush in and accept the explanations given about what can happen when they are not really covered in the Bill. So, in the future I hope we will pay more attention to these things.

In speaking on this Bill, I believe that a Member said that our non-attendance, that is my colleague, the Second Elected Member for Bodden Town and myself, during Committee Stages has effected the law or that we could have been more helpful. Well, if that was so, then all their Laws, according to their statistics should be the best Laws in the world because we have not evidently been around to effect them. Everybody in the country I think, by this time, can see the effects of some of their Laws.

I am concerned because the relevant sections in this Bill, which I will point out as I go along, could be used for victimisation. They could be used for entrapment - and none of us must mislead ourselves into believing that such a thing does not exist in our society. Our police, the long arm of the law, has wide-ranging powers and they can be used at a drop of a hat by a request from someone in authority. So we must be very careful that we do not only convict the guilty, but that we must protect the innocent.

My colleague and I have fought in this House - and practically every Hansard of this House can bear me out on this one - for strong drug and liquor laws with harsh sentences. We have stood for that. Today, I am not saying that maybe the harsh sentences cannot be tempered with a little bit of mercy, but this present administration has tempered them with mercy already. They have blamed us for the harsh sentences and that is why certain things happen in this country. The records will bear it out that we had the harsh sentences.

In 1984 there were four cases in the courts for cocaine and all of a sudden they come forward with their light sentences. Last year I think we had 230 cases. Now, are the four cases in 1984 going to be blamed for harsh sentences and the 230 cases in 1987 because lighter sentences were imposed? Something here, Mr. President, is not adding up.

We do have a serious, serious problem in the community with drugs. I have stated before and I am stating again that I would like to see some very firm actions taken. We must get away from the idea of just plucking the leaves and leaving the tree trunk to grow.

It has come to my attention that there is much talk about drugs being peddled around the High School. Why do we not have the police in action there trying to stem the problem at this point before it gets any worse? This is some or a part of the action that I would like to see being taken.

I support the basic idea of the Bill. I have said before that I think we should have brought this before this time. I think it would help to curtail the drug abuse in our community. My colleague and I played a very important part in the Narcotics Agreement which this country entered into with the United States and that was done to help curtail drugs use in this country. At that point in time we were discussing with the American Government to implement a law similar to this. So therefore basically, I am in agreement and I support the Bill, but I would like to see some amendments made to give the protection that I think is necessary for anyone who may be innocent because I personally, since 1971, have endured many types of victimisation and I do not wish to see any other citizen of this country victimised.

If we look at the proposed section 16A(1) it reads:

Orders
"Confiscation 16A.(1) Where a person, who has not previously been sentenced or otherwise dealt with in respect of his conviction for that offence, appears before a court to be sentenced in respect of a drug trafficking offence, the court shall act in accordance with subsection (2), (4) and (5)."

Mr. President, this is prejudging the accused, this is acting before the fact. I am in favour of us freezing assets, but I am not in favour of confiscation and the disposal of the person's business before he is convicted. I support any measure that is brought here which says that we can freeze whatever a person has, but it must be done to where a person's business is not affected and to where he still has a chance of a decent trial in our courts.

The proposed section 16A(4) goes on where again that it be determined that:

"(4) In accordance with section 16E the amount to be recovered by virtue of this section."

Now this is acting only under section 16A(1). At this point again the person is not convicted. He is only under suspicion.

HON. RICHARD W. GROUND: I did want to ...

MR. PRESIDENT: This is a point of what exactly? Are you asking the Member to elucidate or what?

HON. RICHARD W. GROUND: It is a point of elucidation and one that I would offer if the Member would give way but with respect to the Member, section 16A(1) deals with a case of a person who has been convicted, but before he is sentenced. In other words, after a conviction has happened, but before the Court moves to sentence a person it must then act in accordance with the rest of the section and determine whether the person has benefited and whether or not to make a confiscation order. But the jurisdiction only arises after conviction. I can appreciate that the way in which it is worded may not absolutely be clear, but if one reads it through it can be seen that it only arises upon conviction.

MR. PRESIDENT: I am sure the House is grateful to First Elected Member for Bodden Town for giving way on that point.

MR. JAMES M. BODDEN: Mr. President, I appreciate that very much. This is what I was speaking about a while ago.

However, again, when the law is being argued in court we must remember it always has more than one side and what the Honourable Member has just stated may be correct, but it is not written into this Bill that way. I will read it again.

16A.(1) Where a person, who has not previously been sentenced or otherwise dealt with in respect of his conviction for that offence, ..."

The court may do so and so. It goes on under subsection (4) of section 16A to say something similar again. I am in favour of getting every asset that can be gotten from a person after he is convicted. I am in favour of doing anything that is reasonable to assure that the assets do not flee from this country, but what I am saying is that we must think of at least the one person out of every 20 who may be affected by this Bill and who may be innocent. We have the right to uphold the right for that person if he is innocent.

Under proposed subsection (6) of section 16A, I crave the indulgence of the Honourable Second Official Member in this again because he may be able to put my mind at ease, and that deals with the actions of the court and what it can do. It reads that it restricts the court from:

"(6) from dealing with an offender in any way it considers appropriate in respect of a drug trafficking offence."

The word which I think is very relevant there is "considers" and I would like to have an interpretation of that word.

(The Honourable First Elected Member of Executive Council rises.)

.... No, Mr. President, I would never like the country, as a whole, to have to worry about what the Honourable First Elected Member of Executive Council may be considering, so I would not like to take his interpretation of it. I would like to find out from the Honourable Second Official Member how the word "considers" is interpreted there and I am prepared to yield the floor to him for his interpretation.

Thank you, Sir.
I will be back, Sir.

HON. RICHARD W. GROUND: Mr. President, as the floor has been yielded, proposed subsection (6) of that section is there, as I understand it, to make it plain that when a court has made a confiscation order under these amendments that it is not restricted from going on and exercising any of its other powers in any way it considers appropriate in respect of a drug trafficking offence.

In other words, when someone has been convicted they come up before the court for sentence. Before sentencing, the court considers whether it should make a confiscation order. If it does make such an order, or indeed if it does not make such an order, it still goes on to the sentence stage and at that stage can impose any of the sentences applicable under the Law that it considers appropriate.

That is how I read it and the word "considers" is in there to recognise the Court's jurisdiction and discretion as to sentencing.

MR. JAMES M. BODDEN: The powers that are granted to the Court really come in under proposed section 16F. However, if we ever get to the Committee Stage of this Bill I will consider proposing an amendment to determine what is properly meant by the word "considers" in this proposed subsection (6) of section 16A.

I would like to go on to proposed section 16C(3).

"16C.(3) For the purpose of assessing the value of the proceeds of drug trafficking of a person against whom proceedings have been instituted".

Again, this is before the fact, before the person has been given a chance of a trial and a chance to prove his innocence or for the Court to prove his guilt. So, again, I think we should give further consideration to that proposed subsection.

Proposed section 16D(3) states:

"16D.(3) If the person against whom the proceedings have been instituted fails in any respect to comply with a requirement under subsection (2), he may be treated for the purposes of this section as accepting ... " ...

as accepting:

"... every allegation in the statement apart from..."

Here it is saying that if the court has made a certain ruling it is incumbent, more or less, upon the accused to accept that. I cannot really believe that this is what we are getting after in the English law which is supposed to stand out among all nations as something that protects the rights of everyone. Something is going astray if it does, Mr. President.

Under proposed subsection (4)(a) of section 16D the accused is being asked to further incriminate himself by tendering to the Court a statement.

"16D.(4) Where -

- (a) there is tendered to the court by the person against whom the proceedings have been instituted a statement as to any matters relevant to determining the amount that might be realised at the time the confiscation order is made."

So the accused is being asked, before he is tried, to say that he may have received \$1 million from the proceeds of drugs and therefore he should be assessed on the value of that. Now, I cannot see how these can work under the English system of justice. Either my mind is very clouded at this point or we are derogating from the old English justice as I have learned it over the years.

MR. PRESIDENT:

I realise that the Chair must be most careful about intervening, but you are raising very, very important points and the points you made, about the Honourable Second Official Member speaking earlier in the day on the debate, in some ways it may have been better if it had been possible for him to speak later because these are points which he should be able to reply to, but he has now spoken so it is rather difficult. I think maybe these matters can be thoroughly ventilated in Committee as well.

However, at any point I think that it is entirely in the hands of the House - I do not wish that Standing Orders should not be observed, but if at any point you feel you want to call on the Honourable Second Official Member

HON. BENSON O. EBANKS:

I will be able to deal with them, Sir.

MR. JAMES M. BODDEN:

Oh, my God, Mr. President, if he

MR. PRESIDENT:

... No, no, do not bring that into it. I am just trying to make the point that I think these are very important matters and in a way we should be flexible about the conduct of the debate.

MR. JAMES M. BODDEN:

Mr. President, I could never accept the Honourable First Elected Member's offer because even if I was blind he would be a blinder person leading the fool at that point. I will proceed to proposed section 16E(1). It reads:

"16E.(1) Subject to subsection (3), the amount to be recovered in the case of a person against whom proceedings have been instituted for a drug trafficking offence under the confiscation order shall be the amount the court assesses to be the value of his proceeds of drug trafficking."

Again, Mr. President, I am pointing out that this is an action that is being taken before the case has been tried, before a person has been sentenced.

(Inaudible interruption)

..... Well, if it is not I would yield the floor at this point to the Honourable Second Official Member because as I read this whole section, all the different subsections going back to the first one 16A(1) is applicable before a trial and under 16E it is a confiscation order and I think it is being done before the trial.

HON. BENSON O. EBANKS:

Tru-Tru ...

MR. PRESIDENT:
suspension now?

I wonder if we might in fact take our lunch time

HON. BENSON O. EBANKS:

Tru-Tru did not give you that advice though?

MR. PRESIDENT:

Sorry what is that? I did not hear that. (LAUGHTER)

HON. BENSON O. EBANKS:

Tru-Tru had given him that advice.

I just asked him, Sir, if a colleague commonly known as

MR. PRESIDENT:
(LAUGHTER)

Sorry that goes over my head.

Subject to what the Honourable Second Official Member may say, we might conveniently break here and allow an opportunity for discussing before resumption.

HON. RICHARD W. GROUND:

Certainly, Mr. President, I am in your hands on that.

MR. PRESIDENT:

Proceedings are suspended then until 2:15 p.m.

AT 12:47 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:36 P.M.

MR. PRESIDENT:
Official Member of Executive Council.

Proceedings are resumed. The Honourable the Second

HON. RICHARD W. GROUND:

Mr. President, just before we took the break for lunch I had risen on a point in the First Elected Member for Bodden Town's speech and he had given me the floor. Over the lunch break I further took the opportunity of talking with him and he has kindly said that I may explain a point to the House again although I have already had my crack at speaking on this Bill.

The point that I said I would explain is that the new proposed section 16A(1) is really germane to the interpretation of most of the succeeding sections. It is written in a rather convoluted legal language, but the effect of it, notwithstanding the convolution of it, is that confiscation orders can only be made after somebody has been convicted of an offence and before they are sentenced for that conviction. If I could just read proposed section 16A(1), it says:

"16A.(1) Where a person, who has not previously been sentenced or otherwise dealt with in respect of his conviction for that offence, appears before a Court to be sentenced in respect of a drug trafficking offence, the Court shall act in accordance with subsections (2), (4) and (5)."

Those subsections say that the court shall go on to determine if a person has benefited from drug trafficking and if it thinks a person has, shall make a confiscation order. But that power to make a confiscation order only arises when the court is dealing with somebody after and in respect of his conviction of a drug trafficking offence.

This proposed subsection 16A(1) follows the wording of the United Kingdom Law and, indeed, most of the provisions relating to confiscation of assets in this Bill follow exactly the wording of the United Kingdom Law. We have merely rephrased them where it was necessary to take into account the local Cayman Laws or where there were provisions which did not apply to local circumstances.

There is a great benefit to us from following exactly the wording of the United Kingdom Law because this Law will be construed in the United Kingdom by the High Court there, by the Court of Appeal and by the House of Lords if necessary. So a body of judicial precedent in interpretation will build up and it is of great use to our Courts here to be able to refer to that. Should we tinker with the wording too much we move away from that body of judicial interpretation and our own Courts then have to diverge and stand alone. That is really why we have adhered to the United Kingdom's wording in that proposed subsection (1), notwithstanding, as I have said, that it is somewhat convoluted.

As I said, the whole of the Bill hinges on proposed section 16A(1) and all of the powers in the Bill, with two exceptions which I will mention in a moment, are exercisable after conviction for the drug trafficking offence. The two exceptions are those which relate to the two proposed sections 16F and 16G, and those two exceptional exceptions are those relating to restraint orders. As the Second Elected Member for Bodden Town has already pointed out, they may be made at any time in the proceedings. In other words, they can be made before conviction. Indeed in extreme and appropriate cases they can be made before the charges are laid, but when the court is satisfied that they are about to be laid.

Those two proposed sections, dealing with restraint orders, are the one exception to the general rule hinging on proposed section 16A(1).

I am grateful to the First Elected Member for Bodden Town for letting me clarify this point.

MR. PRESIDENT:
Involved for elucidating that rather difficult set of procedures.

I am sure the House is grateful to both the Members involved. Thank you.

MR. JAMES M. BODDEN:

Mr. President, I really thank yourself and the Members of this House for the opportunity of having a full discussion with the Honourable Second Official Member with regard to these proposed sections of the Bill.

At this point and time I am quite prepared to accept his interpretation of it. The Honourable Member has agreed with me that these previous sections are loosely worded and does leave some doubt, but that it was copied from the United Kingdom Act and we have the opportunity of it being appealed by someone affected under this Law to the very High Courts in England which would then effect any judgment which was given under this proposed section in our Law. So I am quite prepared to accept that and I thank both you and the Honourable Member for the interpretation.

I wish to point out once more, Sir, that my reason for questioning this in no way suggests that my colleague and I do not support this important Bill, but we want to be very sure that there will be no chance of an innocent person being hurt by the interpretation of this Law.

I will point out to the Members of this House before I proceed further with the Bill that all of the things that can be done under proposed sections 16F and 16G can be done before the person is convicted. I am accepting that the previous sections of the Bill will have to be after conviction, although in my mind I am not 100 per cent sure due to the wording at this point. However, I am prepared to let it lie.

Under proposed section 16F(1):

"16F(1) The powers conferred on the Grand Court by subsection (1) of section 16G are exercisable where -

- (a) proceedings have been instituted in the Islands for a drug trafficking offence;
- (b) the proceedings have not been concluded;"

Now, this will have detrimental effects in some cases. I am not really worried that much about it because I do not in any way wish to assist the drug trafficker. It is only if a person stood a chance of being innocent that under these sections he would be unable to deal with his assets once this order is made and this would all be done before the trial will have gotten under way. It appears to me that under proposed subsection (2) of section 16F the person could be charged under section 13(1) of the Criminal Procedure Code in addition to a charge under this Law. I may be interpreting it that way, but I forgot to take this up with the Honourable Second Official Member when he and I were discussing it.

Under subsection (9) of section 16G the assets can be taken over if the powers are used under this section before a conviction has been made. My queries on section

16H have been answered by the Honourable Second Official Member and I am prepared to accept it. I would just like to point out, and I can understand the reasoning for it, but under section 16N a retroactive provision is being used again.

Mr. President, it may not be possible for me to get any amendments to this Bill, but at least I have gone on record as pointing out the things which I thought were inadequate in this Law and I am hoping that if there is good reason for any amendment during Committee Stage that the minds of those who support this Bill will not be closed to any amendments. I look upon it as a very important Law and something that could be very beneficial to the country's Treasury as well as being beneficial in the curtailment of the drug trade.

So, I can fully support this Bill, but I hope that we will not have any repercussions with it.

Before I sit down, Sir, I would like to say to the Honourable the First Elected Member of Executive Council that I did not have the opportunity of discussing this most important Bill with my worthy colleague "Tru-Tru" as he would disparagingly like to call him, but if I had, I probably would have gotten the right answer which may have helped him tremendously in putting forward this Bill. I am sure that the inhabitants of this country fully realise that he would be incapable of doing it on his own.

Thank you, Sir.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:
Amend the Misuse of Drugs Law.

Mr. President, I rise in support of a Bill for a Law to

I have had an opportunity of reading through this Bill a number of times and what I think I fail to understand on my own has been ably explained first by the Mover of the Bill the Honourable the First Elected Member of Executive Council and then further by the Honourable the Second Official Member. I thank them for the many areas in which they have explained what otherwise would have raised question marks in my mind.

In my short debate on this Bill I would like to say that perhaps politics should be put aside in this particular case because the problem of drug abuse in this country affects all of us whether directly or indirectly. I think that any wise government should and would be seen to try to do as much as possible to curtail the supply of drugs in this country.

I have been heartened by the steps that have been taken by Government in this area. I have welcomed the appointment of a Drugs Counsellor. I have welcomed the education against substance abuse which has taken place so far. I would like to offer my sincere thanks and best wishes for continued success to the many individuals and organisations which have thus far been involved in this fight against drugs.

The efforts of the Royal Cayman Islands Police, the Lions, Kiwanis and Rotary Clubs, the ongoing efforts of Mr. Ed Gibson and the other members of Youth for Christ, the efforts of the members of the various churches and others who have been involved in this fight for quite some time. I also welcome and again offer my support and best wishes to all those who have founded Cayman Against Substance Abuse, or CASA, and to say that I think Mrs. Beverly Banks and others who thought of starting such an organisation were wise in doing so. I hope that members of the community will rally around in assisting them in any way that they possibly can.

I feel that the executive body of this organisation (CASA) are people of high character and of a calibre that we can expect dedication and determination in seeing this body become a successful one in this community. Certainly they could not be involved in anything at the present time which is much more of an urgent nature. I was pleased to be involved in this to a certain extent. I would certainly like to thank Mrs. Carol Ann Ebanks, Mr. Ernest Foster, Mr. Nolan Biggs and Mr. Neville Smith with whom I have been privileged to work directly. Last but not least, Mrs. Joan Scott, wife of His Excellency the Governor, who has chosen this particular area as the one she wishes to be most involved in while she is here.

Mr. President, I feel that it can only further cement the relationship between the Governor, his wife and the people of this country when not only he, but the First Lady as well becomes involved in areas such as this.

While on this subject I would like to record my thanks and gratitude to the former First Lady who put a lot of effort not as much in this area, but it was a joy to see the way in which she worked with the Pink Ladies in support of the Pines Retirement Home and her involvement with the residents there. I feel that the people of this country appreciate when they see involvement at this level.

Going on to the Bill, I noticed that one of the areas here that has been of great concern to me for a long time and I am sure that when the Member presenting this Bill had spoken to me on a number of occasions, he went on to state that he was bringing to this House proposed legislation which he felt would take care of many of the areas of concern.

I feel that this Advisory Council on the Misuse of Drugs is one of the finer steps to have been taken. We have all been talking about educating our young people against the use of drugs as being one of the major steps to take and probably one which would be proven to be most successful. Professional and experienced individuals are those whom it is intended to use on this Council. These members who make up the Advisory Council would be chosen not in an haphazard manner nor because of political affiliation, but I noticed that those persons would be seen to have wide and recent experience in the respective health professions of medicine and pharmacy. I noticed that at least two persons, once again, would have wide and recent experience of social problems connected with the misuse of drugs and other substances.

These persons on this Council would have to keep under review the situation in the Islands with respect to controlled drugs and other substances which appear to them likely to be misused and of which the misuse is being or appears to them capable of having harmful effects sufficient to constitute a social problem.

This Council would have to be a body that does not work separately and apart from itself and does as it pleases, but it should be noted here that on an ongoing basis they are to give to the Honourable Member whenever they see fit or whenever consulted by the Honourable Member, advice on measures which in the opinion of the Council ought to be taken for preventing the misuse of such drugs and other substances or dealing with social problems connected with their misuse.

We have had this problem of drug trafficking around for quite some time. Although it came upon us somewhat unawares, we found that it was becoming a threat to the very social fabric of this country. This country is blessed with an economic vibrance probably unmatched by any other country in the western hemisphere today and anyone who wishes to work or get started in a business of his own may do so. Dealing in drugs is not necessary. Greed is the excuse and the love of money is the underlying motive. However, the cost of lives is usually the end result. This must not be allowed to continue and I welcome the steps that are now being taken by Government. I welcome this Bill which is being brought to us at this time.

There is a common saying among some people that if it feels good, do it. That is not always the best advice to accept because from the time that I was a little girl I heard that "peck-pecks" will die in sugar bowls simply because the sugar is sweet. There are people today who are dealing in drugs and using drugs simply because it feels good. Perhaps it takes their minds off problems, perhaps they are in situations where they feel they need to get away or that they need to find solutions and so

they go to the wrong source. Instead of facing up to their problems and trying to solve them they go to drugs. Thus the reason for this Advisory Council.

In mentioning drugs I would say here that included in these, is alcohol. While we already have that scourge amongst us we want to ensure that we do not sit idly by and be overtaken by cocaine, crack, marijuana and the rest of these hard drugs which are costing the country much in terms of our upcoming generation.

Mr. President, we live only a few miles south of Miami. Some people make more trips to Miami during one year than they make from East End to West Bay of visa-versa. In a recent issue of Newsweek in which Miami was termed America's Casablanca, the writer said that,

"One cannot understand Miami without understanding cocaine. Miami is super-saturated with cocaine and cocaine money. The point many tourists overlook, however, is that the core of Miami's cocaine problem is on the wholesale, not retail level. Cocaine and crack are abundantly available in the desolate ghettos of Dade County, but they are abundant in many of the northern cities as well. What law-abiding Miamians worry about are the big-time dealers, many of them who are hidden from their midst."

Mr. President, I have mentioned these facts because I am of the firm opinion that much takes place with the amount of traffic between this country and Miami, Florida. I also believe that the drug trafficker must not be allowed to think that because we are a small country that we are stupid or that we are money hungry, or that we are prepared to allow anyone from anywhere to use these islands as just another stop on the route which cocaine has to take to get to the users on the street.

Education is of utmost importance. I hope that through the education of children and young people we will see a gradual and steady decline in the number of drug addicts and alcoholics in this country.

Young people want to be told that it is wrong. They do not just want us to talk behind their backs and do a little bit here and there while they see that there is money to be gained in the trade. They will grow up thinking, as a number of others have done, that one does not need to work because money can be made out of selling drugs.

I would like to see this Advisory Council become so effective that, in addition to the curtailment and hopefully the stamping out of crack and cocaine, those individuals who take the use of alcohol as a rather simple matter will learn a lesson and realise that it is used because it makes one feel good, and also that this educational process will result in a firm stand being taken by all of us to show by example as well as by precept, that alcohol like cocaine and crack is a destructive drug.

I would like to see this Advisory Council educating this country where there will be a self-examination by those who sell these drugs and those who deal in this business to simply get out of the business. Is this far fetched? No! People have a tendency to throw up their hands and say that it cannot be done. Perhaps it can be likened to Apartheid in South Africa. Not every white person in South Africa is mean and ugly and involved in these evil practices. Those who are not have to take their stand against it and stand up and be counted. Those who are involved have to be men and women enough to say that although this is has been a custom for hundreds of years it is wrong, it is time to stop and at the same time educate the young people of the evils of those customs.

Mr. President, everyone needs to be involved in this. My debate on this particular subject could take a much longer route if I so chose, but we are dealing with this Bill this afternoon and one of the areas that I would like us to focus our attention to are the reasons why this Advisory Council has been put together.

Drugs cause social problems and in fact, if we look carefully at it and admit the real reasons behind the social ills in this country it can be pinpointed to an abuse or misuse of drugs - whichever one it may be.

Now, while educating against the abuse it is time that this country recognises that there are also people who suffer as a result of this abuse, not only the user, but the person directly involved with the user. The children of alcoholics must be educated. Wives or husbands and other family members have to realise that the destruction that they see does not necessarily have to put them in situations where they find they have no self-esteem or hope for the future, but must realise that there is hope for them. I would hope that this educational process is going to take all this into consideration because unless those persons who have been directly or indirectly affected by the use of drugs are helped at an early stage in their lives, there is a potential social problem on the horizon. I would hope and suggest that any such educational process will include those persons.

Mr. President, as with AIDS, education must start at an early age. Were it not for the effects of drugs and alcohol in this little country, we would be sitting pretty. The Bible tells us that the fear of the Lord is the beginning of wisdom, not necessarily shrewdness or cleverness. Men like Hitler will never go down in history as being wise. They would be looked upon as clever and evil. But, when we think of wise men we think of men like Churchill and the men in our country who were farsighted and decided that we wanted nothing to do with the West Indies Federation and such. These are people who see ahead. These are wise men and a wise man does not build a flimsy or insecure house, but rather he builds his house on a rock.

Mr. President, when social moral issues are seen for what they are, instead of them being coated over and pampered to suit ourselves to see things in a different light, then we can be assured that we are leading this country in the right direction. These little islands have slipped in many respects and where we have slipped we need to pull ourselves up by the bootstraps, admit where we have gone wrong and put ourselves back on the right track.

Now, I see this Bill as a means to an end and I believe that the intention of this Bill is to discourage people who would wish, for their own greed, to lead this country in the wrong direction.

I would hope that there would not be any dissension or factions or any one organisation wishing to seek the limelight and claim credit for what is done, but that each falling under the umbrella of this Advisory Council will work together for the same result - the eradication of drugs from this country. I hope and pray that that, in addition to marijuana, cocaine and crack, will also have a drastic effect on the availability of alcohol in this country.

Again, let me say that I congratulate the people who are giving of their time and efforts. I think of the many telephone calls that Miss Pattle Ebanks of the Government Information Services has made to me and the many areas in which she has been involved in publicity. I also think of Miss Joy Baker and her strenuous efforts for getting out publications and other means of advertising. I think of the staff at Radio Cayman who ensure that spots on the radio are being aired - and people are listening.

I wish at this time, Mr. President, to publicly thank my colleague Mr. Carlyle Ebanks who is a very devoted family man and a busy real estate businessman for taking the time out to be involved in the CASA meetings and also to thank every other parent and individual who assisted, even down to the supplying of the refreshments and the young teenagers whom I saw fixing the chairs in the hall. It was a pleasure to have been at the CASA meeting last Thursday evening in West Bay, and the

community of West Bay is to be congratulated, from the three to four year olds to, I believe, one woman who is 88 years old. Everybody wanted to be involved. There were young people there who had been having problems with the addiction of drugs who were very much involved. There were wives of those who had been in problems. There was such a wide cross-section and it said that people are concerned.

This Bill seeks to assist in every way possible in the education of the people of Cayman and again I congratulate every organisation which is working with it and which will continue to work with the Advisory Council in curtailing this scourge amongst us.

Now, Mr. President, sometimes one has to be a little blunt perhaps and tell it how it is, but the fathers who eat the sour grapes set the children's teeth on edge. It is for the people of this country to come to grips with themselves and realise that we are all involved in one way or another and that in some areas we are also at fault. It is important that we correct those faults. Since I was a child I have heard that example is better than precept.

should also be known as a murderer....

To go on, Mr. President, to the drug trafficker who

MR. PRESIDENT:
break there as you seem to be in a natural interval?

I wonder ... excuse me a moment, would you care to

MRS. DAPHNE L. ORRETT:

Mr. President, that will be fine with me.

MR. PRESIDENT:

Proceedings are suspended for 15 minute.

AT 3:24 P.M. THE HOUSE SUSPENDED

HOUSE AT 3:47 P.M.

MR. PRESIDENT:
for West Bay.

Proceedings are resumed. The Third Elected Member

MRS. DAPHNE L. ORRETT:

Thank you, Sir.

proposed sections in this Bill seek to deal with the drug trafficker. In other words, it seeks to hit a drug trafficker where it hurts most and that is in his pocket.

Mr. President, in continuing my debate we find that

As I said earlier, the Mover of the Bill, the Honourable the First Elected Member of Executive Council, is to be congratulated for the fine job he did in bringing this Bill to the House and the Honourable Second Official Member for the very good job he did in explaining most of the clauses of the Bill to us.

To put it in a nutshell, Mr. President, the Leigh Ritch's of this world must not be allowed to destroy the Wayne McLaughlin's of this country while amassing their wealth. Have we read the papers over the last several days with regard to those deaths which were in some way related to cocaine or cocaine/marijuana or cocaine/alcohol? I think perhaps one the most pathetic of those was the young man who had swallowed the cocaine.

I knew that young man since he was child. The odds were against him. I had occasions of teaching him in a Sunday School class. I knew the type of child he was. The way he grasped for good advice, the way in which he tried to make something of himself by finishing school, going on to work at a local establishment, getting there early and hitching rides back in the afternoon to get back up again in the evening. He was doing quite well, but all of a sudden he had an expensive car. News flies, and believe me this Cayman has some gossip, but not all of it is correct. Sometimes where there is smoke there is fire.

Individuals such as Mr. Ritch came to this country and used it to amass his wealth. This Bill is seeking to keep the likes of him out or to put them where they belong; to deprive them of every possible thing that Government can put their hands on which they derived from drugs. While the little pusher or little fellow who sells it has to risk his neck and often times destroy himself, the traffickers like Mr. Ritch who had Noriega on his payroll, can come to this country and destroy young people, build houses and condominiums, own yachts and lear jets and walk around with not even enough ambition to walk good! I had to look at him sometimes and wonder if he was sick.

People were meant to work. Laziness destroys a person in more ways than one. He had the nerve to come to me to ask if I would speak to the Immigration and Customs' Officers at the airport so that they would stop harassing him and his friends when they came in. But I think he found out that a woman's stomach was made strong for more things than one. (LAUGHTER) I told him, that those people are doing their jobs and that if he was having a problem he would have to behave himself in such a way so that he would not be suspected of being a threat to this country.

I managed an establishment, in which he rented space for two of his friends who were here on a honeymoon and the first night they awakened me at 2:00 o'clock in the morning cursing and screaming, 'What you did with the rocks - what you did with the rocks?'. The wife ran down half naked and I tried my best to tell her that I would try to hide her and she took off. One thing she knew how to do was to run, because by the time I called the police she had met them half way down the road.

The next day Mr. Leigh Ritch came to tell me what an embarrassing thing I had done to tell those people that they had to leave the establishment. I got up out of my seat, and I looked him straight in his eyes and said: "Can I tell you something, Sir? While I manage this place you must not only have money to live here, but you have to have class, and if your friends do not have class - it can be Heather Lockyer, Tommy Lee or anybody else." So they paid for the damage to the apartment, took their luggage and put it in the back of a pick-up truck. I do not know where they went, but, we do not need the likes of those in this country.

I hope that this Bill will be a means of discouraging them and that those who are involved will realise that these are not just words on paper, but they will be dealt with accordingly to whatever this Bill is proposing today. I hope that it will pass.

It must stop. There are people with little trucks selling gas and those who have a couple pieces of heavy equipment and before one knows it they have condominiums and apartments for rent, yachts and expensive motor boats. Every time one turns around they are going off on vacation and people have to question it. I will say this, I do not think that we have a corrupt police force or any other governmental agency in this country. I trust, however, that if anybody in the Civil Service in this country, as well as in the private sector, is found to be involved in drug trafficking will be dealt with and that their names will be spread across the front pages of the newspaper in this country. This cannot be covered under the carpet for some people and spread across the news headlines of this world for others. They must be set up as an example.

There are certain officers in this country whose life-styles have been questionable. This Bill should allow Government or the enforcement officers to know exactly where that wealth is derived from, especially if they are suspected of dealing in drugs. We cannot have

corruption in high places and this is what this Bill seeks to do. There is no excuse for dealing in drugs in this country, none whatsoever. One can only take so much with them when they go.

For those who have gotten away, Mr. President, and the little guys like Wayne McLaughlin and others - their day is coming. Leigh Ritch has not seen anything yet. And all such as him, their day is coming.

The police went to search his home and the following day in Northwest Point one could hear the bragging - 'Come, but couldn't find a thing'. He had an ice chest sitting by the door with the cocaine packet sitting under the ice and they could not find it! They had it stuffed down in the toilet bowl in a secret compartment, planes flying overhead and dropping it down and there was bragging all over the place. Mr. President, every dog has his day as the old people say and a number of them are soon going to come to the end of their rope because we have not seen anything yet.

This Bill is going to emphatically state to the people of this country and the world that we do not intend to let a few evil minded, money hungry people take over this country and the sooner they know it, the better. I call upon every citizen of this country to support and to cooperate with the drug enforcement agencies in this country in trying to bring everyone of them to justice.

I support this Bill, Mr. President. I have no hesitation in doing so and I trust that the people of this country will recognise that it is high time that the likes of Leigh Ritch and others who, seemly and very strangely were able to slip through the hands of the enforcement officers for so long, were finally caught up with. They are capable of murdering people because that is what drugs do. They gradually destroy lives. If it was a physical destruction only but then you destroy a mind. What a waste!

Mr. President, by the grace of God I trust that this Bill will accomplish what it is intended to do and I support it.

MR. PRESIDENT:

The Elected Member for East End.

MR. JOHN B. McLEAN:
amend the Misuse of Drugs Law.

Mr. President, I support the Bill before the House to

First of all let me thank the Honourable the Second Official Member for his explanation on a sensitive part of the Bill which did cause me a little concern in the beginning. However, I am quite happy now that I can support the Bill as it is.

I have always spoken out against hard drugs in our country and I will continue to do so as long as there is breath in my body. I believe, Sir, that we must do whatever is possible and whatever is in our power to deter and wipe out the trafficking and the misuse of hard drugs in these beautiful Islands.

My believe, Sir, is that we cannot be too harsh in dealing with this killer. It is a fact that it has now spread in our community like a cancer and the time is right for us to have such a Bill before us.

It is good to know that there is a clause for an Advisory Council. I am certain that this Council will have a great task ahead, but I am hopeful that in the end it will succeed and that the job will be one of which we, in these Islands, can be proud.

The Advisory Council, as it is proposed, will consider any matter relating to drug dependency or to the misuse of drugs or other substance which may be referred to it by the Member. Again, I am hopeful that the support necessary for this Council will be forthcoming and that we, in the end, will be able to say that it was good to have established such a Council.

A very important part of the Bill to me is the proposed section 2A(3)(d) of clause 3 which relates to:

"educating the public or a section of the public in the dangers of misusing such drugs and other substances, and for giving publicity to those dangers;"

I believe that in all things education is very important and in this case it is most important.

As we look around we can see the destruction which drugs has done to our people. As one Member mentioned, it will eventually filter down to each and every one of us directly or indirectly. I have heard complaints from parents of a child who has become hooked on hard drugs. Having known the child before and now, I have seen the complete change in his way of life. The child has become violent and threatening at home and often in endeavours to keep the child calm, the parents have to bow to the child's demands, mostly for money to support the habit. My advice to parents is that this should not be done because I believe when someone who, in such a state of mind, is being supported for their habit they are not doing them a favour.

We have seen many deaths as a result of drugs. As I mentioned we have seen a complete destruction of families and life-styles. For this reason alone each Member in this House should take a stand to do something about it and I believe, that this amending Bill will help us in that direction.

I am aware that certain organisations have been giving lectures on drug abuse, but as I see it now it has spread a little further than that and it is the duty of every responsible man, woman and child in this community to work together to eradicate this. I believe that unity is strength - together we stand, divided we fall. Together we can do a lot, but divided we can do nothing. Beginning with each Member of this Legislative Assembly we need to set an example for the general public and show that we are united on this issue and that they should do the same. We can legislate, but it will take each and everyone to help implement this Bill.

We must protect our young people because it is a fact, Sir, that the youth of today will be the men and women of tomorrow. We should do as much as possible to try to assist and put them on the right track. I believe that with concerned residents of each of our Islands we will be able to conquer this.

A few weeks ago I was privileged to view the tape that was mentioned here awhile ago. The Panama Drug Connection where Mr. Ritch was testifying before a Congressional Committee in the United States of America. As a parent of a 16 year old boy and a nine year old girl, I had to shiver as I viewed the tape because it was far from my thoughts that such large amounts of dope had passed through our shores and in some cases handled here on this Island. I honestly believe, that the treatment that he is receiving at present is still not good enough. He cannot be treated too harshly because in my opinion the damage which he has done to these beautiful Islands is so far reaching that we will see it for years to come.

I, too, wish to join others in congratulating the newly formed group, CASA. It is my hope that this organisation will continue to go from district to district and that the people in each district will come forward and offer their full support. It is a bold step and I feel certain, according to the first meeting, that it will be a success.

Mr. President, there are many people who believe that Government can do everything in controlling drugs in these Islands, but this is utter nonsense. Government can only do so much and it is going to take every concerned citizen, as I mentioned, with the assistance of groups such as CASA, the churches and all others working together to curtail the influx of drugs in these Islands.

I believe that the Bill before us is, in some ways, very

harsh, but as I mentioned before, a Law without teeth in dealing with drugs would not make any sense. I support the stiff penalties in it and I hope and trust, that the Bill will be exercised to its fullest with regard to those who are still engaged in such wrong doings, if it is still going on in our community.

We must think of the present damage. The lady Member, the Third Elected Member for West Bay, mentioned individuals earlier who were at one time upright young people who lost their lives because of this terrible thing. In other cases we have among us those who are not even aware that they are in the world.

I know of certain young people of my age, I consider myself still young, who, at school, were exceptionally bright, but today as I look around and see what has become of them, the destruction is really heart-touching. I am happy today that I was brought up in the way in which I was. Although I was a single child I can take my hat off to my beautiful mother for the way in which she raised me and I thank God that I was, when I was out on my own, not influenced.

Today, however, is a completely different era. The influence is out there and in some cases I guess the young people are not as strong when what is considered the root of all evil is put before them. I am sure in some cases the young people have not had abundance of money in their lives and so therefore it is gimmick to get into dealing with drugs. I believe that this is worse than a young person's brains being blow out. The punishment which a child gets from his parents and all other concerned person in this community proves to me that it is much worse than the child taking a gun and blowing out his brains. A killer is a killer and we can do without this calibre of persons in our Islands.

We have enough problems as it is, without having people coming here to do business in drugs and I will say that we have been blessed by God because we can do without drug money. Let them take it elsewhere and in so doing, hopefully, they will come to the end of their rope sooner or later.

Mr. President, I will not in any way try to repeat what has already been said on this very important Bill, but I would just like to urge Members to give it their full support because I believe that it will assist us in bringing the many criminals who deal in this very destructive thing, the misuse and trafficking of drugs, to justice.

Thank you, Sir.

MR. PRESIDENT:

Would the Mover wish to exercise his right of reply?

HON. BENSON O. EBANKS:

Most certainly, Mr. President.

In presenting this Bill to the House I tried to keep it non-partisan and on a very high plain. I am glad to see that the two Elected Member for Bodden Town have left and cannot take their licks. However, certain irrelevances and insinuations have been thrown into the debate and I intend to deal with those totally.

I wish first of all to thank those Members who supported the Bill and, as I said, I will deal with those who tried to make some political hay out of it.

There is an old Caymanian saying which says 'figures do not lie, but liars figure'. The two Elected Members for Bodden Town, in particular, tried to use the Police Report statistics for 1984 to indicate that there had been a fantastic escalation in crime, particularly drug related crime, since 1984 and that this Government was responsible for that. They quoted that there were only four cocaine related cases in 1984 and that there were only a total of 108 drug offences.

Of course they stopped at that, except that the Second Elected Member for Bodden Town said that plans for a rehabilitation centre were well in hand in 1984 and that he had expected to see this in 1985, 1986 or 1987.

Now, apart from the fact that there was no money left in the Treasury to do anything with in 1985, I want to ask Members, how in the world could the Second Elected Member for Bodden Town expect this House and the well thinking public in the Cayman Islands to believe that plans were well in hand for a drug rehabilitation centre to be built in 1984 if only a total of 108 drug offences were committed? Surely, if such a thing had been in hand, it would have been gross irresponsibility.

Remember, we are not talking about four cases of cocaine addiction. We are talking about a total of four cocaine related cases. That is according to their use of the statistics. Certainly, it would have made more sense to have treated those cases even if they were addictions in the hospital or to have sent them overseas for treatment rather than to have been talking about building a rehabilitation centre for so minor a problem had it really been that minor in 1984.

The truth of the matter is, as I have said, figures do not lie, but liars figure. It was very convenient to quote the 1984 figure of 4. What the Member should have done was to have read to the House Chapter 56 of the Police Report for 1984 in its entirety and he would have had to have said that in 1983 there were 156 cases of drug related offences and that of those, 15 were for cocaine. That is in 1983. But because that happened to be during what they call the Unity Team's administration, it did not suit him to read that. I can understand why.

However, I want to go back to the 1985 Police Report statistics and I call the attention of Members to pages 16 and 17. I am doing this because it is significant in more ways than one. Page 16 which gives total crime statistics will indicate that over the years 1981 to 1985 this is how the statistics for total crimes looked. In 1981 there were 1,519 crimes, just heating up after the 1980 election. If I had the figures here I could prove that every election year and the year preceding it from 1978, 1979 and 1980, crime statistics and drugs, in particular, fell. I am not attaching any particular significance to this. The country can judge. The same thing happened in 1984, Mr. President.

In 1981 there were 1,519 crimes. In 1982 there were 1,674. In 1983, a pre-election year, there were 1,384. In 1984 there were 1,367 and in 1985 there were 1,951.

In dealing with drugs, there were 172 cases in 1981. In 1982 there were 237 cases. In 1983, a pre-election year, there were 156. In 1984, election year, there were 108. In 1985 there were 178.

The Member, himself, quoted statistics to prove that there has been no slackening of our war on drugs in an election year. He quoted statistics from one Magistrate, Mr. Kipling Douglas, which showed that in 1987, 77 juveniles were before the court and for the first three months, I believe, of 1988, 50 have been before the court.

Those Members talk about being hard on drugs and hard on sentencing. It is true that they were hard on sentencing. And, of course, using the figures to show that in 1987 there were 835 drug offences reported. The truth of the matter is, as I said in the beginning, statistics cannot be used in isolation for the true story to be told. Neither will they succeed in fooling all of the people all of the time.

As a previous speaker said, these statistics reflect increased police efficiency, increased police numbers and above all, it reflects the use of the urine test in recent years to detect persons who have been using drugs.

I want to make it clear that this test was available from 1973 by law and if these Members had been serious about their fight against crime, according to them they had the power to cause the police to do whatever they wanted them to do, why was not the urine test used from 1976 to 1984? It was in the Law, Mr. President. It is section 4(2) of the principal Law which we are amending - Law 13 of 1973.

I have some more on that but I want to deal with some of the fears of the two Elected Member for Bodden Town who have found it convenient to leave, as I said, when I started to wind up. I want to deal specifically with the two main clauses of this Bill which they objected to - sections 16F and 16G concerning cases in which restraint order may be made. I want to make it abundantly clear that the restraint order can be used where proceedings have been instituted for drug trafficking and can also be used where the court is satisfied that a complaint is to be made under section 13 of the Criminal Procedure Code that a person is suspected of having committed a drug trafficking offence, and that the court has reasonable cause to believe that the drug trafficker has benefited from drug trafficking.

There is a very solid reason why that should be so because in addition to the high technology which the Honourable Second Official Member mentioned, the technology available to transfer assets, particularly the value of money, from these shores, there is also that not so recent technological thing called a boat or an aircraft.

Without some provision to restrain people who may get a whiff that something is going to happen it would be possible for them, if they heard at 12:00 o'clock that the police were on their trail, to walk into a bank and withdraw every cent they had and before the Honourable Attorney General could make application with all the documentation, would be out of these Islands with every cent that they had and go down to Honduras or Nicaragua and live, or in this case apparently some of the people who had it here could have gone to Panama and could have been comfortable. I understand that if they owned boats, that they could leave here in the evening, go to San Andres, pick up a load and be back by daylight. They call them cigarette boats which go over 100 miles per hour.

So, this Law would be impotent without the use of the order of restraint and we must have that. The fact that it is used before the complaint is laid is not a serious threat to those person whom they talk about as being innocent people. Proposed section 16F(3) says that if the court is moved to make a restraint order before the complaint is laid, and it is not laid within a time that it considers is a reasonable time, the order will be discharged.

The Honourable Attorney General cannot just go to the court and say that he has reasonable cause to believe that Tom Jones is involved in drug trafficking and needs a restraining order so that the gentleman cannot get all of his assets, or any particular part of them, out of the country. He has to have good grounds. He has to satisfy the judge that within a reasonable time he will lay the complaint or the judge will tell him that he is being mischievous and discharge the order. So there is no fear of anybody being victimised under this.

MR. PRESIDENT:
What is the wish of the House?

If I may interrupt you? We have reached the normal time for adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:
is that we adjourn. If that is not so, please let me know.

I believe the wish of the House, if I can gather correctly,

Honourable House until 10:00 o'clock tomorrow morning.

Mr. President, I move the adjournment of this

MR. PRESIDENT:
10:00 o'clock tomorrow morning.

The question is that the House do stand adjourned until

QUESTION PUT: AGREED.

**AT 4:35 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,
TUESDAY, 26TH APRIL, 1988.**

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

SECOND MEETING OF THE 1988 SESSION OF THE CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

TUESDAY, 26TH APRIL, 1988

(Seventh 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, OBE	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

APOLOGIES FOR AFTERNOON SITTING

HON CAPT CHARLES L KIRKCONNELL	MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION
MR LINFORD A PIERSON, JP	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT FOR GEORGE TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

SECOND MEETING OF THE 1988 SESSION
OF THE LEGISLATIVE ASSEMBLY

TUESDAY, 26TH APRIL, 1988
(Seventh Day)

1. PRAYERS

To be read by the Second Elected Member for George Town.

2. GOVERNMENT BUSINESS

Bills:

CONTINUATION OF SECOND READING DEBATE

The Misuse of Drugs (Amendment) Bill, 1988

COMMITTEE THEREON

The Misuse of Drugs (Amendment) Bill, 1988

REPORT THEREON

The Misuse of Drugs (Amendment) Bill, 1988

THIRD READING

The Misuse of Drugs (Amendment) Bill, 1988

3. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:

- (1) **PRIVATE MEMBER'S MOTION NO. 4/88**
Appointment of Select Committee to consider conditions and to find solutions for Islands problems
Continuation of Debate Thereon.
- (2) **PRIVATE MEMBER'S MOTION NO. 5/88**
Appointment of Select Committee to find solutions for the Schools and Medical Systems' problems
To be moved by the First Elected Member for Bodden Town and Seconded by the Second Elected Member for Bodden Town.
- (3) **PRIVATE MEMBER'S MOTION NO. 6/88**
Appointment of Select Committee to consider methods for curtailing Government's borrowings and spending
To be moved by the First Elected Member for Bodden Town and Seconded by the Second Elected Member for Bodden Town.

4. ADJOURNMENT

To be moved by the Honourable First Official Member, Leader of Government Business.

TABLE OF CONTENTS

	PAGE
Prayers	1
Government Bills	
Continuation of Second Reading debate on The Misuse of Drugs (Amendment) Bill, 1988	
Hon Benson O. Ebanks	1 - 2
Committee thereon	
The Misuse of Drugs (Amendment) Bill, 1988	3 - 4
Report thereon	
The Misuse of Drugs (Amendment) Bill, 1988	5
Third Reading	
The Misuse of Drugs (Amendment) Bill, 1988	5
Other Business	
Private Members' Motions	
Private Member's Motion No. 4/88 Appointment of Select Committee to consider conditions and to find solutions for Islands' problems	
Continuation of Debate	
Mr. W. McKeeva Bush	5 - 12
Mr D. Ezzard Miller	12 - 16
Mr. James M. Bodden	16 - 18
Adjournment	18

TUESDAY

26TH APRIL, 1988

10:05 A.M.

MR. PRESIDENT:

Prayers.
The Second Elected Member for George Town.

PRAVERS

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.

Let us all 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 the light of His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT:

Proceedings are resumed.
Government Business - Bills. The Continuation of the Second Reading Debate on the Misuse of Drugs (Amendment) Bill, 1988.
The Honourable the First Elected Member of Executive Council.

GOVERNMENT BUSINESS

BILLS

CONTINUATION OF SECOND READING DEBATE ON THE MISUSE OF DRUGS (AMENDMENT) BILL, 1988

HON. BENSON O. EBANKS:

Mr. President, when we took the adjournment yesterday I had dealt with police statistics and items generally in the Bill.

I would just like to mention one more statistic in connection with the drugs' scene and the effectiveness of the police, and that is to say that as at 8th July, 1987, which is the last statistic I have, the number of people serving sentences or detained in Northward Prison for drug offences were 92, and of these, 44 only were Caymanians; 25 were Jamaicans; 18 were Americans and 4 Cubans. I believe that we could add the four to the 18 and make it 22 Americans.

I have said this to show that the police have been effective in apprehending, particularly, drug traffickers. A lot of those would have been members of crews of boats which the Police and/or Customs successfully apprehended these people and prosecuted them. So I am only saying that to prove the lie to the proposition made by the two Elected Members for Bodden Town that this Government has been soft on drugs, and I am using it to show that the statistics, if not properly read, could be misleading because it will be obvious that over 50 per cent of the people in jail for drug offences are non-Caymanian.

Now, Mr. President, I have been thinking overnight and have concluded that anyone who does not understand and accept the principles and contents of this Bill by now really do not want to, and that it would be a waste of my time and of the House, to go on further explaining the Bill. Therefore, this morning I intend to heed the Biblical advice which, paraphrased, goes something like this: 'Answer not a certain class of person according to their folly lest thou be like unto them.'

The First Elected Member for the Lesser Islands asked for assurance that the drugs counsellor and the Advisory Council will be active in his district - that is Cayman Brac and Little Cayman. Mr. President, I hasten to give him the assurance that all resources at Government's disposal will be made available to Cayman Brac and Little Cayman. The syllabus on drug abuse which will be implemented in the schools will be implemented throughout the Islands and that includes Cayman Brac.

I have spoken to CASA (Cayman Against Substance Abuse) and I understand that it intends to take its efforts to the Sister Islands as well. Of course, it is well known that the Lions Club, probably one of the most active of the service clubs in the area of the prevention of drug abuse, has been working in the three Islands.

I mentioned yesterday that the urine testing procedure was in place from 1973 and that it was not used, or if it was used it was used very infrequently, from 1976 to 1984. Members would have read in the paper that one of the candidates of the Unity Team in West Bay, during a public meeting about three weeks ago, stated that if he were elected in November one of his first jobs would be to bring a resolution to the House to remove the provision of urine testing from the Misuse of Drugs Law.

I have spoken to the people of West Bay on this matter - and, in fact a small minority have told me that unless I repeal that section of the Misuse of Drugs Law I cannot expect their support in November. I have told them, and I say it publicly today, that if doing away with the provision for urine testing is a criteria for my re-election in November then I will not be re-elected because as far as I am concerned, it is a useful tool if used correctly. I intend to see that it stays there and anything that I can do to encourage its use, I

will do so.

Urine testing was not introduced nor used just to send our youngsters to prison because previous to that being used, this Government saw fit to remove the mandatory prison sentence for first offenders.

While on the question of sentences, let me make it clear that this Government did not reduce the maximum penalty in any way which could be imposed on any drug offence. What we did was to put the power of discretion back in the hands of the court where it belonged and said that it should sentence a person according to the way it saw the case. That is why we hire judges. So all we did was to remove the mandatory jail sentence. We did not lower the maximum penalties any. The courts were free to fine and imprison traffickers as much as it saw. In some instances the sentence is unlimited and it remains that way. So, we did not turn soft on drugs - we merely had compassion on users.

We also brought into use the community service orders, suspended sentences and the like. Above all I am satisfied that the use of the urine testing is responsible for creating the awareness of the magnitude of the drugs' problem in our community. I am satisfied that without that the community would not today be ready for this legislation, but because we had the strength to uphold its use, the community is ready to take on this monster of drug abuse.

I am likewise prepared to take on the opposition in West Bay or Bodden Town or in any district throughout these Islands from where that opposition is going to come, especially as it appears to me that the platform that that group in West Bay will be running on, will be something like this: 'give me your vote; I will give your children the drugs; we will reimpose the mandatory jail sentence and lock them up in Northward Prison.'

I do not believe that any responsible voter or person in West Bay, or in these Islands, will endorse that platform. Mr. President, they will make that known loud and clear on the 16th of November, 1988.

When I was presenting the Bill I mentioned that both Government and CASA were in contact with resource persons who had developed educational material in other countries which we are going to look at with a view of having the syllabus introduced here, and to having our teachers specially taught by these people to teach the syllabus. I am happy to say that even now 24 pounds of that educational material should be cleared through the Customs at the airport. So we are well underway of having something to move on the moment that this Advisory Council gets into operation. This material will have to be sifted by the Education Department, and, if necessary altered to suit local conditions, but by and large it will be suitable for our purposes.

Mr. President, if I could make a few more points I would just like to point out that over the last four years this Government has given serious consideration to the drugs problem in our society and we have done something about it.

Persons walking along Harbour Drive may probably wonder what structure is being erected on the Port Authority land which is near the cruise ship landing. I hope that people have not been misled into believing that that is the new office building. That is what I believe they call a rotunda, but whatever the name, it is a building through which all cruise ship passengers and crew, coming into the island, will pass to enable Customs and Police to do any random checking or to use any other device for detecting drugs that might come in from that source.

So, Mr. President, we have not been sitting down. We have been planning how to attack this monster and we are attacking it in a planned way. If a ship has four plates of steel out of her bottom there is hardly much use in repairing one because she will sink anyway. What we are doing is putting facilities and machinery in place so that when we hit this thing everybody will wonder what really hit them because the change is going to be dramatic.

To further elucidate that fact I can also report that the hospital now has its own drug testing machine and that the laboratory technicians are trained in using it for detecting ganja and cocaine which are the two most abused drugs in Cayman. However, we have even looked further than that. That machine is capable of testing for other substances of abuse including overdoses of prescription drugs. So not will it only help us in our fight against drug abuse, but it is a big help to the medical services as well.

Mr. President, I was going to issue an invitation to Members this morning to see a demonstration of that machine, but I know that at least two Members of the Assembly will be leaving the Island today so I will withhold that invitation to a time when I hope that all Members will be present to go to see such a demonstration and to have its full potential explained.

One of the big problems in the past has been the accusations that because the urine was being sent overseas it could be tampered with and the rest of it. Under this system it should be possible for the arrested person to watch it all the way into the machine so that he can no longer say that was not his urine or that it was not the sample that he gave.

In closing, Mr. President, I would just like to say that I have long felt that there is one further area of need in these Islands that is not being met when it comes to the youth, and that is that youth workers be attached to each church in these Islands. This is based on my observation of a few churches that get help from youth workers from abroad during vacation Bible School every year. If you visit those churches during the times when the vacation Bible School is in progress, or even a month or six weeks after, they are packed with young people, but if you return three or four months later you will notice a dramatic fall-off in those young people.

Mr. President, let me assure Members that this is no campaign gimmick. In 1985 the first general meeting of the National Council of Social Services, after I resumed responsibility for this Portfolio, I made that suggestion to them. It is recorded in the minutes. Unfortunately the membership did not find it possible to support that move and it is my hope that, if such workers are not forthcoming elsewhere, we, as a Legislature, will find it convenient and possible to make provision for such workers in our 1989 Estimates. Perhaps that could be a project that might hopefully be financed through the proceeds of property confiscated under provisions of this bill.

I wish to make one other point in that regard and that is that the more successful the provisions of this Bill become when they get into operation, that is the confiscation of assets or property, the more Government will be able to throw into education and the fight and war against drug abuse.

I commend this Bill, Mr. President, to Members of this Honourable House and again I thank those who supported it and I give my unreserved assurance that nothing in this Bill seeks nor will take away any freedom or privilege from innocent people. If per chance an innocent is charged, there is provision for remedy for that person. I believe that the mode of the country is such that the people are so upset with the drug scene that they are prepared to run that risk. All one needs to do is to keep accurate and proper records of their financial dealings and they will have nothing to fear.

I thank you, Mr. President.

MR. PRESIDENT:

I shall now put the question on the Second Reading of this Bill.

QUESTION PUT: AYES & NOES

MR. W. McKEEVA BUSH:

May we have a division, Mr. President?

MR. PRESIDENT:

Please Clerk.

DIVISION
NO. 8/88

NOES: 0

AYES: 15
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 Plerson
Capt Mabry S Kirkconnell
Mr James M Bodden
Mr G Haig Bodden
Mr D Ezzard Miller
Mr John B McLean

AGREED BY MAJORITY: THE MISUSE OF DRUGS (AMENDMENT) BILL, 1988 GIVEN A SECOND READING.

MR. PRESIDENT: The Bill passes its Second Reading accordingly.
The House will not go into Committee to study a Bill entitled The Misuse of Drugs (Amendment) Bill, 1988.

HOUSE IN COMMITTEE

MR. CHAIRMAN: The House is now in Committee.
With leave of the House may I assume that as usual we should authorise the Honourable Second Official Member to correct printing errors and such like in this Bill?
Thank you.
Would the Clerk now state the Bill and read its clauses.

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1988

CLERK: CLAUSE 1 - SHORT TITLE.
CLAUSE 2 - AMENDMENT OF SECTION 2.

QUESTION PUT: AGREED. CLAUSES 1 AND 2 PASSED.

CLERK: CLAUSE 3 - INSERTION OF NEW SECTION 2A.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4 - AMENDMENT OF SECTION 3.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5 - AMENDMENT OF SECTION 16.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6 - INSERTION OF NEW SUBSECTION 16A TO 16N.

MR. JAMES M. BODDEN: Mr. Chairman, I wonder whether it would be possible to take each proposed section of clause 6, section by section, because I would like to vote 'no' on proposed sections 16G and 16H? I am in favour of all the other proposed sections.

MR. G. HAIG BODDEN: And 16F as well.

MR. CHAIRMAN: I think that probably the procedure for that is that I do not think we can split a clause piece by piece, but I think the procedure would be for you to speak on the clause and make clear your objections to the given pieces and then decide whether you vote 'yes' or 'no' to the clause, having made the point. I say that because you are not actually formally moving an amendment, but you are stating your objections to particular pieces. Will that be in order for you?
Well, we have an amendment now to this clause.

HON. RICHARD W. GROUND: Yes, Mr. Chairman, I gave notice yesterday of a Committee Stage amendment to clause 6 and the amendment is to the proposed section 16K which deals with compensation. The amendment is to subsection (2)(b) of the proposed new 16K. The amendment proposes the deletion in that paragraph (b) of the words "subsection (5) of" and of the words "subsection (4) of" where they appear in the last three lines of subsection (2)(b) of the proposed new section 16K.

The effect of this amendment, as I explained when speaking yesterday on the Second Reading of the Bill, is to broaden the compensation provisions so that they apply to all restraint orders and all orders for the realisation of property. That brings the Bill absolutely into line with the United Kingdom's provisions. I am frankly not sure why the restriction to these specific subsections crept in - I understand from the Legal Draftsman that it had come in during his consideration of the drafting stage - but the limitation to those specific subsections limits the right to compensation. If we delete it, it comes in line with the United Kingdom provisions and gives a right to compensation provided the other requirements of proposed new section 16K are satisfied in respect of all restraint orders and all orders for the realisation of property.

MR. CHAIRMAN: The amendment is duly moved. Does any Member wish to speak to the amendment?
If not I will put the question.

QUESTION PUT: AGREED. THAT THE AMENDMENT STAND PART OF CLAUSE 6.

MR. CHAIRMAN: Would the First Elected Member for Bodden Town wish to make his points on the other parts of this clause now please?

MR. JAMES M. BODDEN: Mr. Chairman, my comments on this are in line with what I said yesterday. With respect to proposed sections 16G and 16H I am not fully satisfied that they could not adversely be used against an innocent person. In a small community such as ours there could be cases of victimisation and persons may not be assured of all the legal openings to them. I am not really prepared to go into lengthy discussion on this, I will really just vote 'no' for those two proposed sections. Maybe it will work all right. Let us hope it will. I feel that we need the Bill and I am in favour of it, but it is just these two proposed sections that I am a little apprehensive about.

Thank you, Sir.

MR. G. HAIG BODDEN: Mr. Chairman, I only want to say that I feel strongly against restraint orders being put on even before a person is arrested. I am definitely voting 'no' against clause 6.

HON. BENSON O. EBANKS: Mr. Chairman, I would just like to record, and I think I speak for the Government bench when I say that we are quite happy with these provisions. We realise that without this the Law would in fact be impotent in many instances.

I gave the example yesterday afternoon, for example, of how someone could be tipped off that he was being investigated and remove his money from the bank, load it on a boat and take off. We should note here that this action is governed by what I believe is generally called 'the fiat of the Attorney General'. In other words, it cannot be instituted without his permission. That is proposed section 16G(3)(a) - a restraint order can only be made by or on behalf of the Attorney General. I am satisfied that that is sufficient protection.

We have to remember that this Bill does not deal with ordinary criminals. This Bill deals with drug traffickers and anyone who would sell drugs, would stop at nothing to get away with their assets and probably move on to another jurisdiction and ruin that one in the same way in which they had attempted to ruin this one. So we owe a responsibility not only to ourselves, but internationally, to see that these people do not get away with their assets.

I have mentioned money but the way in which property is so easily transferred in Cayman today it could even be property that could be disposed of in an hour or two. Two people can go to the Registrar of Lands office and sign a document; the money passes hands and the person is out of the country before an investigation can be completed to the point where a formal arrest or complaint is made.

However, this will be done when the Attorney General, or someone acting on his behalf, is satisfied that there is sufficient evidence to believe; and they have to convince the judge of the court of that fact. So I do not see any big problem with this. As I said it is not a normal offence - we are talking about drug traffickers. So I have no problem with it, Mr. Chairman.

MR. LINFORD A. PIERSON: Mr. Chairman, without wishing to revive the debate of the merits and demerits of this Bill - I think we did that quite comprehensively during the past few days - I would point out that clause 6 is necessary to this Bill. Without clause 6 this Bill would be without any teeth. It would become impotent.

It is necessary to have proposed section 16G, in particular, in order for the Bill to have any effect at all. Further, it is not setting a precedent because reference was made during the debate that provisions already exist in, I believe, section 15 of the principal Law where a similar situation exists with regard to ships. So this is not setting a precedent in any way.

Also I mentioned during my debate, and this was corroborated by the Honourable Second Official Member, that the same principles exist in civil law and in civil cases. So this is not a situation that will prove to be unduly restrictive to the individual, but it is quite common practice even in civil cases.

MR. CHAIRMAN: May I now put the question on this clause or does any other Member wish to speak on it?

QUESTION PUT: AYES AND NOES

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

MR. CHAIRMAN: Yes.

**DIVISION
NO. 9/88**

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 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

NOES: 2

- Mr James M Bodden
- Mr G Haig Bodden

AGREED BY MAJORITY: CLAUSE 6, AS AMENDED, PASSED.

CLERK: CLAUSE 7 - AMENDMENT OF SECTION 18.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE MISUSE OF DRUGS LAW.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings in Committee on a Bill entitled The Misuse of Drugs (Amendment) Bill, 1988.

The House will now resume.

HOUSE RESUMED

MR. PRESIDENT:

Proceedings are resumed.
Reports.

REPORTS ON BILLS

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1988

HON. BENSON O. EBANKS:

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 examined by a Committee of the whole House and passed with two amendments. That is that in clause 6 of the Bill that proposed new section 16K(2) was amended by deleting "subsection (5) of" from the antepenultimate line and "subsection (4) of" was deleted from the last two lines.

MR. PRESIDENT:

Thank you.
The Bill is accordingly set down for Third Reading.

THIRD READING

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1988

CLERK: THE MISUSE OF DRUGS (AMENDMENT) BILL, 1988.

HON. BENSON O. EBANKS:

Mr. President, I beg to move that a Bill entitled A Bill for a Law to Amend the Misuse of Drugs Law (Second Revision) be given a Third Reading and passed.

QUESTION PUT: AYES & NOES

MR. D. EZZARD MILLER:

Could we have a Division, Sir?

MR. PRESIDENT:
Clerk.

The Member has a perfect right to ask for a division. Please

DIVISION
NO. 10/88

NOES: 0

AYES: 13

Hon Thomas C Jefferson
Hon W Richard 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
Mr John B McLean

ABSENT

Mr James M Bodden
Mr G Haig Bodden

AGREED:

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1988 GIVEN A THIRD READING AND PASSED.

MR. PRESIDENT:

We now move to Item 3 on today's Order Paper - the continuation of the debate upon Private Member's Motion No. 4 of 1988.
The Second Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 4/88
APPOINTMENT OF SELECT COMMITTEE TO CONSIDER
CONDITIONS AND TO FIND SOLUTIONS FOR ISLANDS' PROBLEMS

CONTINUATION OF DEBATE THEREON

MR. W. MCKEEVA BUSH:

Mr. President, the motion before the House claims that the Government came to power on promises to better the social conditions of the Islands; that the Government did not fulfill the promises and that we should now appoint a Committee of all Members to find solutions to our problems.
I am a fair and reasonable man and if I thought the motion had one ounce of merit it would get my support. However, with the sponsoring Member's track record in this House of not attending meetings and of not being here when needed, the motion is worthless and useless and only attempts to hold up the business of this country.

I believe I have a favourable track record and because of that I

had thought about not debating the motion and so save time. However, the Member introducing the motion has made so many allegations and given so much false information that I must do my part to show him that he is wrong and of course to introduce this Government's successful record and social improvement in this country.

I must ask the Member whether he has been living in this country or someplace else. Let me begin at the beginning of the motion - drugs. The Member said that he heard of drugs in the schools. There is no doubt that this country has problems in the schools today, but Government is not trying to hide it. Government is trying to do something about it and I think we can give Government some points for not trying to hide the problem which it has recognised. However, I do not know that there are drugs in the school. I have not seen any information to substantiate that.

Does the Member realise that between the years 1976 to 1984 that there were a lot of drugs in the High School? Teachers at that point could not open their mouths for fear of losing their jobs. So as far as both Governments are concerned they both had a problem with the schools. I heard of an instance where a child went over the fence to smoke ganja, but he was dealt with accordingly. I cannot find where there has been any discovery of drug usage on school compounds. Compare this with the norm of the years 1976 to 1984 where student after student was found using drugs. None of it ever made the papers and I have to wonder about it.

I am not going to go into further detail. I will have that chance on the next motion dealing with schools. I will only say however, that all of us in this House, together with the general public, must realise that if adults in the society are crooked and unscrupulous it is bound to rub off on the youth and lead to a lack of discipline in the schools. The school is but a microcosm of the community, and I will also deal with that on the motion dealing specifically with the schools. I will repeat that the school is but a microcosm of society. If there is wrong in the society there is bound to be a lack of discipline in the schools. So let those who complain set the proper examples so that our youth can emulate.

The Member sponsoring the motion spoke about the rise in drugs and, again, Government is not trying to hide that fact. We accept we have a drug problem and we are trying to come to grips with it. Mr. President, that is why the Police Report that was quoted by them is so clear for all to see, but there are statistics and they are statistics. There has been no fiddling around with the statistics to make this Government look good. We do not believe in fooling the public and it would seem that is more than could be said of the previous Reports under the 1976 to 1984 regime. One thing they cannot claim is that the Government has been unwilling to deal with drug offenders today. That is more than can be said of the previous 1976 to 1984 regime.

When you look at the position, according to the records of a couple years ago, one has to wonder about the whole situation concerning drugs. The records bear me out and the Member should have gone back further than 1976 to show that this country had a drug problem but previous administrations would not accept responsibility of the fact that we had a drug problem. Previous administrations did not do anything about social development and therefore our problems arose. Previous administrations did things to compound the problem.

Mr. President, as I said we are not trying to hide the fact that we have a problem and our statistics show the country that it needs to get up from its backside and do something because there is a problem. If we look at the number of cases reported and dealt with from 1980 to 1986 it can be seen what I am talking about. If we go back to 1979 we will find that there were 120 cases, and that was before an election. If we go into 1980, an election year, somehow there was a decrease and one has to wonder about it because if you went around the country in those years the sale and use of drugs was very evident. But 1980 was an election year and I have to wonder why statistics would go down in that year.

If we look at the year 1981 we will see that right after the election there was a rise in statistics - 172 cases. If you look at 1983 you will see that there were 156 cases - a year again before another election - and during 1984, an election year, there is was a decrease by 108. Coupled with this is the fact that instructions, as I understand, were given to magistrates in those years not to say too much on the bench about the drug problem.

MR. PRESIDENT:

I am sorry I must ask you to withdraw that, it is not possible for anybody to give instructions to magistrates. That can only be an unsubstantiated opinion.

MR. W. McKEEVA BUSH:

Well, Mr. President, the whole motion is unsubstantiated and I will withdraw my remark and bow to your ruling, but that is what was said in the country. I am only saying what was said in the country.

...(INAUDIBLE)... You just keep quiet because you have a lot to answer for!

The statistics of the previous 1976 to 1984 administration in fact show that there was ample proof that drugs were on the rise in the society. But they were more concerned, in my opinion, about the electoral feeling of the country at the time rather than the true apprehension of crooks, drug pushers and importers who were selling death to our youth. That was an abomination to democracy and an abrogation of the responsibility to the people of this country.

It is funny how all the things that you heard about during 1976 to 1984 are not true and how things can come into this House today unsubstantiated which are said to be facts. How come the country can change so quickly and how come some Members can change so quickly? I have to wonder about it. However, it is an election year and this is what this motion is all about. The Member should have been in here over the past years to have dealt with the problems.

Let us look at the big crooks, Mr. President, who thumbed their noses at the Laws of this country in the years 1976 to 1984 when criminals went free whilst society was left to honest victims of crime. In those years there were numerous cases involved in drugs in large quantities in which the accused persons walked out of court laughing at the incompetence of the then law enforcers.

For example, there was the Catalina case; there was the case of Dreamer's Dream; the case of the \$250,000 of hashish oil - that person was put on bail and found hanging around the airport with his sister and with a stolen passport. He went back to court, but they left him on bail only for him to run away - and they have the audacity and gall to come to this House and talk about justice.

Then there were the planes that dropped ganja from the sky. That was drugs and much more could and can be said about that aspect of the years 1976 to 1984. Anyone looking at drugs in this country today must look at it in light of the problems that we have had over the past years - not just 1984 to 1988. What about the gentleman, Mr. Escardi??? He was involved and charged in connection with possession of hard drugs. He slipped bail and left the country overnight. He also carried on a business without a business licence. It was so blatant, Mr. President, and yet there is talk about social deterioration. There had to be social deterioration because it took root in the years 1976 to 1984.

In West Bay during that period the proprietors of a certain business establishment were then, and are today, very active politically. One could see the sale of drugs as plain as day - it was just as plain as selling gas. Reports were made about them, but nothing happened. Today they are still actively campaigning against this administration and one has to wonder about social deterioration. Thank God the people have acted, Mr. President.

I campaigned about social improvement in this country and I campaigned about social deterioration, but the Members of the previous administration would not accept the responsibility that we had a problem. All they ever did was to try to smear good peoples' names and I was one of

them.

...(INAUDIBLE)... You do not have to worry - you will have your chance. You cannot tear me. Do not worry about that. My record is clean.

They had the nerve to talk about victimisation. We are looking at it, Mr. President. It is a very expensive seat that I sit in and they have the nerve and audacity to talk about victimisation. A poor little nigger-boy like myself who was raised with nothing, yet they were adamant about taking me to court. For what? For saying that they were socialistically orientated and that they were bringing in pieces of legislation that were carrying the country away from the normal democracy? That was a fact, yet they talk about social deterioration.

They threatened to licence journalists in this country. They were bringing in a Bill to prevent journalists from reporting accurately on public meetings and that was what McKeeva Bush was sued for. It was not for opening my mouth - I only wrote a letter about it. I have suffered. My mother went to death's door and my wife had to be in Miami for four weeks because of it. My one child did not understand too much about what was going on, but my 11 year old today quite understood what was happening to me. There were many times - I do not like to talk about it, but I will - that they tried to put me into bankruptcy, but they failed. They failed. I had to go up to my head in debt and I still am, but I thank Almighty God that I had friends who stood by me and my supporters who supported me. Now they come talking about victimisation.

MR. PRESIDENT: Would you care to break there? Would it be convenient?

MR. W. McKEEVA BUSH: Thank you, Mr. President.

MR. PRESIDENT: Proceedings are suspended for 15 minutes.

AT 11:17 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:48 A.M.

MR. PRESIDENT: Proceedings are resumed. The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, when we took the break I was dealing with the position as it existed prior to 1984. We talk about social deterioration and Government's track record in apprehending crooks and law breakers - well, if we look at 1976 to 1984 and examine the murders which took place during that time we had 13 unsolved cases. Verna Lynn Ford. Since 1984 this administration has apprehended at least one of those cases and reopened another.

Certainly, there were murders which took place during this administration, but what is the difference between this administration and the previous Government? We believe that justice must prevail. We believe that if a crime is committed the penalty must be paid. We believe that in order to have a crime-free society where people can feel safe in their homes, criminals must be subjected to the fullest extent of the law. And so under this administration those who have committed murders have either been convicted and sentenced or are awaiting trial. This is responsible Government. This is representative Government.

The years 1976 to 1984 were outrageous when it came to crime and social deterioration. There was a total disregard for law and order. Mr. President, they had a perfect negative record. On top of all that is the fact that there appeared to be no commitment to social development. When it came to bringing about programmes to combat the deteriorating social position their record is also negative - that is in comparison to the social deterioration because I am not saying that some things were not done, but in comparison to the social inequities in our community things were not good.

I hear the Member talking about utopia. We did not promise a Utopia, Mr. President. The only time I remember utopia being mentioned was in the Member's 1972 election manifesto. That was the only time a Utopia was ever promised in this country. He said, "if they did not get it they would get a glimpse of it". Those were exactly the words that were used. And the Member did nothing visibly, as an Executive Council Member during 1976 to 1984, to help alleviate the social conditions that were needed from 1972. So do not talk about Utopia.

This country has never had Utopia and there are still social inequities. What we promised was to institute programmes to combat those problems which took root during his administration of this country; problems that were more far reaching and more entrenched than I, who was only looking on from the outside, could imagine existed. We also promised to try to get the community involved and to galvanise it into recognising that we had problems. Is this not being done? Did I not try to do it from the day I was elected, together with my other colleagues?

Today as a Government we have had to contend with the problems but we are trying to tackle them and solve them effectively. And as far as drugs are concerned, Government has done something. Government has acquired the services of a counsellor - something that was promised by them and they did nothing about it. The then Member responsible for Social Services only looked up in the air like Master Willy and did not try to combat the root of the problems. Instead he wrote vicious letters every time anyone opened their mouths to the press, threatened those who did with law suits and finally he got one against me.

However, that did not deter McKeeva Bush as has been evidenced in this House. No Member ever elected to the offices of this country can claim any more dedication to social development than this administration and I can and the Member at that time, Mr. President, refused to listen when people put things in front of him. And today the country is paying the price for his wanton neglect.

The most that I witnessed during their administration, as far as prisoners and drugs and everything is concerned, was a bill to amend the Prisons Law. It was a retroactive piece of legislation where they were taking the power from the courts. They talk about people's rights not being given them - they should refer to that 1983 piece of legislation, a Bill for a Law to Amend the Prisons Law. Thank God, Mr. President, that they had not at that point - the backbenchers were so scared that they were running and they helped defeat the Government.

That was a major piece of legislation as far as I am concerned and if true democracy had been carried out that administration should have walked out that day. But they refused to walk out on the defeat of their Bill - a bill to take away the power of the court, I have it in my hands. The people of this country will be reminded, but I do not think that they need to be reminded. I think the people of this country remember very well the years 1976 to 1984. They tried to take away the power from the court and an offender would not have been able to go before the court. And now they have the temerity to talk about victimisation. Tell me what victimisation, Mr. President?

We had a good strong opposition at that point which the country put their trust and faith in. The opposition at that point convinced their backbenchers at that point to defeat the Bill and so that Bill was defeated in September of 1983.

Mr. President, in talking about victimisation, a move was made so that journalists could not report at public meetings. It was quite a big to-do. The international press was brought in and this stirred the whole imagination of the Caribbean. Their record is a dismal one. It is no wonder

that we have social deterioration today - no wonder. Look at the norm that existed then.

Government is trying its best to combat the problem of drugs which, I maintain, is the root cause for social deterioration in this country. Government obtained the services of a counsellor and is now working hand in hand with CASA. Government helped with the CRESS Programmes and it also has drug education in the schools as a part of the social education studies because we feel the way to go with this drug problem is to endeavour to prevent the youth from getting involved. And for those already hooked or who need psychiatric help we have those services too. What more can we do in four years? Give the Honourable Member his due. I have not agreed with him on everything. I have fought him on many things, but he tried to do his best in four years with the drug problem when he had everything else to deal with.

If the country sees that we need to move faster or that more needs to be done then let them look revamping our present situation and accept the fact. So as parents and as legislators it is now our duty to make sure that anyone who is on drugs gets help and we must try to get them to agree that they need some help. That is what our job is. We are not just here to bring in motions and say that Government did nothing. Anybody can do that, Mr. President.

When I was in the opposition I used to sit in the Gallery and I would tell them that they were not doing anything. That is not hard to do, but when one has to work that is something else and the administration had been doing that. The two Members sponsoring this motion get up in this House and complain, but they did not even as much as attend one meeting in which they could have said that they would try to do this or that, or where they could have known what Government is doing to better the situation. They do not attend the meetings so they do not know what is going on and they have the audacity to bring this piece of rubbish about social deterioration and what Government is not doing about it, and they want to form a committee. It is a waste of the country's time, but we have to answer them and so it is a further waste of time except that people will hear the other side of the story. And so they too have a perfect negative record on social development.

Mr. President, you saw the Member interrupting me this morning, I did the same thing with him because he raised the question of playing fields. This he should have left alone. Let us examine the true position of their administration when it comes to sports in general and let us examine the position of this administration and see what the balance is.

In their time the only public playing field in the entire Island of Grand Cayman was the one in George Town and in West Bay. The Football Association got to work and upgraded the George Town field commonly known as the Annex. Government, as I understand it, gave some \$10,000 towards it. But the field in West Bay never seemed to get off the ground. I am not going to blame the two sponsoring Members of this motion for that except that they were in Executive Council and could have moved to help. I am going to blame those who are trying to get elected again.

In 1985 after I was elected I saw the West Bay playing field as being a priority and I tried to do something about it because it was again a campaign issue. We campaigned on their non-performance when it came to social problems. They are right that the campaign was in part about that. The campaign was also in part about another situation which we hope will be addressed in this House, but that is a matter for further and future discussion. However, we saw this playing field as a priority and although Government was strapped for funds in 1984 because of the bad position that was left to us it did give us some money.

I, however, started fund raising functions, the first of which raised some \$3,000. But I did at that point do what we said we would do in the campaign and that was to galvanise the community. And under able leadership the field was upgraded. However, since then it fell into some disrepair, but it was used and it is still being used. It is not in the condition I want it to be, but we are taking steps to bring the field up to a good standard. The fact is that because West Bay is such a large district with some four football teams and the fact that the field belongs to the school which also has the use of it, it got, in my opinion, overused. But, as good representatives should be, we did not stop there. I again have funds from the Government and to revert back to that subject, Government has funds to put the field back into good standing and at present, apart from the four teams and the school using it, it is being used often.

Recently Government gave some funds to start a full-size football field in the area known in West Bay as the Savannah and I was hoping that it would be completed for the season. So they cannot talk about sports and non-performance. This Government has done its part and is still doing its part. The non-performance was when we had people in West Bay who could not represent us. Those representatives were like Rip Van Winkle who laid down by the root of a tree and went to sleep awaking to find that the gun had rusted and time had changed by many years. Time passed him by and that is exactly what happened to the Unity Team's representatives in West Bay. Time is going to pass them by again too.

Mr. President, the Member moving the motion raised the matter of a piece of property in West Bay which was purchased during his administration. What he may not have known or what he failed to say is that - and I will put the record straight since he raised this matter - in early 1983 just after the lady known as Miss Chi Chi was murdered, I approached a very civic-minded young man about the social problems that we were facing in the district and the country as a whole. Well, from that meeting was formed the West Bay Civic and Cultural Council and that organisation held meetings with the three representatives. Of the many things that we discussed with them the only thing that materialised was the piece of property that the Member moving the motion mentioned.

I am relating this so as to make it perfectly clear that two out of the three persons whom he is supporting today were the representatives then. When it came to the buying of the land all they did was to attend the meeting which the organisation held, and which I spearheaded and asked them to attend. That is all that they did. Further to that they took the letter which we wrote to them and to show you the general mood of the country at that time I, who spearheaded the meeting, could not sign the letter because the general feeling including their two representatives and their big supporters in the district was that if I signed the letter they knew they would not get the piece of land. So I agreed not to sign the letter and if anyone doubts me they can check the minutes and I would be happy to - I am not tabling them - show them. And that was the norm. They knew about the victimisation.

However, Mr. President, they jumped on the bandwagon to buy that piece of property because they had nothing when it came to West Bay with the exception of putting in a few little roads. So they saw that as a saving grace for Executive Council who came to West Bay in 1976 to campaign against the Honourable First Elected Member to say that he had done nothing. That was all that was accomplished.

Today we have cleared the land and we have designated the areas that we think will enhance social development. We have an area there and it is cleared for a community park. It is already laid out and when it comes to parks, and the Member mentioned the parks, it is not just a question of building a public park for a large district as West Bay, we have to keep in mind who is going to maintain it after we build it. Here again we galvanised with the community, some of whom were Unity supporters and when they saw we were starting to make headway they pulled out. And all they are doing now is saying that we are doing nothing. However, the story is to be told.

On the same piece of property which the Member mentioned, the building of a properly laid-out softball field is now in progress. This is being done through the auspices of the Youth Club which, by the way, Mr. President, I also spearheaded, together with the Pirates' Week Committee. I personally raised \$3,000 and I got Government to give \$20,000. So how can these people say that Government is doing nothing or that the representatives are doing nothing with this piece of property?

The Member does not know what he is talking about. The

Softball Association will also be helping us. The fact is that the Members do not come to committee meetings when they are in work and progress so they do not know what Government is doing for other districts, including their own. They do not know what is going on there. However, I will come to that later on because I am not only looking at this motion in light of the district of West Bay. Of course, other Members in the chamber can speak for what they have accomplished.

On the same piece of property, Mr. President, the same Youth Club, the same Pirates' Week Committee and members of the community completed last year a playground for the smaller children at the Primary School. And, again, Government was involved in it. We spearheaded it and Government gave some funds towards it.

The Pirates' Week Committee built a public beach behind the cemetery - a sort of park, for which Government is now in the process of putting signs and clearing the road for better access. What a lot of people do not know is that Government also donated land for the use of a volley ball and basket ball court in West Bay. A new cricket pitch is in the planning stage and all of this is in West Bay. Yet the Member says that the three Members have done nothing. How can he come to this House with these allegations? Of course he has brought no evidence to substantiate them, but that is their usual tactic and they get hot under the collar because I make a few references to some dirt that went on in their time.

I do not understand what the Member was talking about, Mr. President, but when it came to pass Government and the National Council of Social Services, with the help of service clubs, have built parks in Bosun Bay, that is West Bay, they have also done the same in George Town and North Side. This Government has a good record for social development. Their Government did hardly anything except what they are doing now - talking a lot of rubbish.

When it comes to parks and what Government has done, Government gave the two Elected Members for Bodden Town \$40,000 for a playing field. Why did they not do something about it? This tells the country that those two Members have no commitment to social development.

I read a letter from the Second Elected Member for Bodden Town saying that the Honourable First Elected Member of Executive Council had done nothing. Government approved the \$40,000 for a playing field in Bodden Town and I maintain that had they had the interest of the youth in Bodden Town or in the country in general they could have done the same thing that we did in West Bay. We galvanised the community. Bodden Town has an active football team. He could have mobilised them in helping to build a football field instead of coming here to criticise Government by saying that it did not finish the field for them when Government gave them the money.

How can they substantiate a record of good representation and criticise Government now by saying that it did nothing? Bodden Town is similar to West Bay except that it got a little bit more during their administration. During their administration Bodden Town got a civic centre. West Bay is a large district, it starts at the Governor's Residence and I am glad he is in West Bay too. It covers the whole western peninsula. What did that administration do? They built a civic centre in Breakers so that people who built their homes by the sea could use the civic centre for a hurricane preparation. That is not a bad idea; it is a good idea. They built a civic centre in Bodden Town and they started to build a civic centre in East End - a very beautiful one - but, this Government, upon being elected had to find the balance of some \$400,000, I believe, to complete it. Other than that they did nothing for Bodden Town either. If we look at the country in general, social development was nil.

Government has built two hard courts in their district right behind the civic centre and the Second Elected Member for Bodden Town is telling people that Government did nothing. Mr. President, this is not the truth and it is not honest. The public must know what Government is doing. But what I really blame Government for is that they are not using the Government Information Services to tell the public all these things. That is the one thing that I can blame them for. They have bad public relations and that is why these Members can get up and kick them the way they do, but they are not telling the truth. By the way, Mr. President, they ran that man out of the country too.

Mr. President, I hope that one of these days I can sit down and tell you the history of those years. They talk about victimisation - well, I could come back ever so often in my speech to substantiate where people were victimised. People do not forget it.

The North Side playing field is well on its way and Government is giving to sports this year \$60,000 in grants. What was the amount in 1984? It was \$20,000, so they cannot complain that Government is not doing its part. I agree now that Government has to do more in this area and if I continue to be in this House these organisations will have a friend.

The country is in a good financial position so more money can be laid out for these areas. I, however, felt that Government could have given more than the \$60,000, but we have to remember what the position is. Things like education, the schools and facilities have to take priority. But the country is in a financially good position so more will be done.

Mr. President, we promised a sports' director and I was looking for my manifesto because we promised that we would appoint a coach and national director, and Government did just that. In addition, we have a young man as his assistant to coach in the schools and we intend to do more in this area as well. That is 200 per cent better than what the past administration had. That is 200 per cent, Mr. President - we have 2 and they had none. So you see statistics can be worked whichever way. However, that is not what I desire, we have to do more and more will be done.

The sports centre which was started during their administration is advancing and well on its way with final plans for a 3,000 seating pavilion. There is quite a bit of work left to be done on the sporting complex, but it will be done and to show the mismanagement of the previous administration; to show that they did not know what they were doing, there are many things that cannot be done on that property. They were advised not to put it where it is, but they would not listen. Money was spent foolishly because there is so much more that needs to be done and that could have been done. The little that they did was done in such a way that we cannot do much more with it. For instance the velodrome that I spoke about which I now have support for cannot be put there and that is where it should be because that area is more or less central.

Mr. President, Government is now even making efforts to bring special olympic training to this country, even for the physically handicapped. The Honourable First Elected Member of Executive Council, to whom the Elected Members for Bodden Town are directing these problems, has always cared about the physically handicapped people in this country and I will move on to that area in a few minutes.

Government supported a motion which I brought to the House to create a National Sports Award as I promised I would do. Again, the Elected Members for Bodden Town talked about what we promised and this is our promise right here. In the campaign we promised to create the National Sports Award and the first award will be presented in June this year. So, the creation of that award is to get the young people more involved so that they may have little more than winning a sport to look forward to. This award is going to be presented at a very high level occasion just as my motion suggested so that will have something to work towards.

I do not understand these two Members. The one Member mentioned my visit to Jamaica with the Carifta team. I believe he mentioned it in an humorous way and that he did not intend any harm, but I wish to tell the House that the cost came out of my own pocket, it was not a Government paid trip.

The Member asked what the three Members for West Bay are doing. In 1986 I had the pleasure of attending a Caribbean championship in Barbados with our national team. The

Honourable First Elected Member of Executive Council also went and this was at our own expense. It was just after I lost the case with them, but I scraped up the money and went.

In 1987 I had the privilege of attending games in Jamaica with our Pee Wee national side at my own cost again, not Government's. For his edification, I would like to point out further my personal commitment to sports since the Member says that we are doing nothing. I personally sponsored a very enthusiastic group of young men called Boco Juniors Football Team. That is coming out of the salary that they say they are going to reduce. I do not believe they are going to reduce it. I also helped another group called Hunter's United. That is my own personal money which comes out of this salary.

Mr. President, for the past couple of years I have been involved with our primary school Pee Wee team along with a gentleman from West Bay by the name of Floyd Bush and one Mr. Gilly Seymour. We take these children to George Town to play when the season is on and we look out for their interest at all times.

Last year the West Bay Primary School team were the champion. This year we were the champion goal scorer. First we had to take the children in our trucks and today we provide the service of a bus which I got some people to give to the school. And we ought to start shortly a district busing service for the schools. This is something that we promised, but we had to get the bus first and we have done that. West Bay is well represented. What are they talking about? They have not questioned my commitment to sports. I think other Members in this House have good track records and will defend themselves.

The other day when I was raising the matter of the appreciation of the House for the Carifta team the two Elected Members for Bodden Town walked out. That was a show of their commitment and respect. Of course they can bring some excuse now to differ, but they walked out. They could have stayed because it only took a matter of 10 minutes.

The Member referred to a situation of a family living in a foul coop. He suggested that we should take the piece of property that I referred to earlier to build homes. We need to buy more if we were to go about it in that way. But that piece of property should not be used for that purpose. That case has been an ongoing one for me and the problem is, yes, that the couple do not have any property, but I cannot agree with the Member that we should use the piece of property behind or adjoining the school to put the couple on. That piece of land, apart from being as I said adjacent to the Government school, is slated for the park and softball field and proper parking facilities. To take up his idea would be the height of mismanagement.

However, as far as that case is concerned they cannot slip those votes from McKeeva. That is what it is all about because I have been in constant contact and have identified some land and it is in the process of being purchased. A very community-minded person in West Bay has shown some interest and is going to help with the purchase. I know their activities in West Bay now but they cannot slip those votes. I am standing firm for the second term I spoke about some time ago.

Mr. President, indigent housing needs to be looked at in these islands, but the previous administration passed a housing Law and they did not do much about it until 1983 and at that point it was only helping the middle-income people. This is what we complained about in the campaign and finally the Honourable Member has rectified the situation. It is still not as I would like it to be, but it has been put in place where help can be gotten for those who qualify. However, there is a group of people in this country who will not be able to qualify for the Housing Development Corporation. We have some money in the Housing Development Corporation. The Member during his administration at that time could not raise too much because the country did not have confidence in the administration. One can beg a horse to follow one to the well, but he cannot be forced to drink and that was the position. The country remembered the threats on the floor of this House that if money was not forthcoming there would be legislation. We cannot do that. This Government, as a responsible Government, did not do it that way and we succeeded. I am not saying that the Member did not have an interest, I believe he had, but the way in which that administration went about doing it did not help and so the country formed a blockwall in the financial institutions.

In my opinion, Government does not need to try to take care of the middle-income group. The banks are doing a pretty good job of that. That is another show of confidence in the administration. I believe if one looked at the Cayman National Bank's annual accounts a large portfolio for housing can be seen. Again a good show of confidence in the administration and this is what needs to be done. Other banks I believe, are doing the same for the middle and upper-middle income, but not for indigents. So their management was not good. They went about it in the wrong way and came against a brick wall.

Mr. President, I will tell the House again what this Member has done for indigent housing in West Bay. I helped a distant relative of mine. He had some money, but I told him that if he needed some help he had to work and save his money, and I told him that I would help him. I just did not give to him. He did not have any land but my house lot is a big piece of land so I told him he could put a building that could be moved on a part of it until he could save up to buy a piece of property. And that little house has every facility that one could imagine. Further, I helped another lady to build a home. I am not saying this to show-off, but I made a commitment. So when they get up in this House to be heard on the radio, because that is the main idea, this Member has a track record.

Mr. President, I am not a rich man, but I helped with indigent housing. I helped with the social cases and I do not brag about it. I can substantiate it. What I do for people in West Bay is well documented because West Bay is my roots. That is where I come from and I have never forgotten it. I am a little better off today, but I have taken hard knocks and I know what it means to be hungry in the night. But one would have thought that the two Elected Member for Bodden Town moving this motion were the only two who had a social conscience. One Member, I believe, gave two sheets of his ink - I gave a whole house. What are they talking about, Mr. President?

MR. PRESIDENT: Is it convenient to take the suspension?

MR. W. McKEEVA BUSH: Yes, Sir.

MR. PRESIDENT: Proceedings are suspended until 2:15 p.m.

AT 12:46 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:19 P.M.

MR. PRESIDENT: Resumption of the debate on Private Member's Motion No. 4/88. The Second Elected Member for West Bay, please.

MR. W. McKEEVA BUSH: Mr. President when we took the lunch break I was dealing with the subject of housing and I believe I have substantiated the position and other Members can further elaborate.

In the Member's Introduction to the motion, he spoke about the practice of sending children to Jamaica. This has been going on since I have known myself. The administration of which he was a part did not take any steps to rectify that situation. It is kind of late now after eight years of being in Executive Council to come now and talk about not having anything to cope with that particular situation.

My position has always been that it was wrong to send our children to those homes and in my zeal to rectify the situation I seconded a motion to build a rehabilitation centre,

but in fact that was provided for in the Economic Development Plan which came about further to a motion which was presented to this House by the Elected Member for North Side and myself.

Government have had their plans and it is moving accordingly. The juvenile rehabilitation centre is now in its final planning stages. The property is identified and work will commence later this year. So clearly the Government has been doing something with that situation. It is not a good one because I know what those homes are like; I have seen them, but what Government is doing is a lot more than was accomplished under the previous Elected Member for the portfolio of Health Education and Social Services.

Mr. President, Government amended the Maintenance Law (Revised) which deal with maintenance for children. When this Government took office we found many social inequities because of that Maintenance Law which only could enforce the payment of \$20 per week. Well, we have moved that to \$50 per week per child and so Government, again, has taken care of another area where social inequity existed before we took office.

This Government also saw fit to rectify a situation relating to young school girls who were probably capable of finishing school, but who got themselves into trouble and were thrown out. They now have that opportunity of finishing school. Before we talk about social conditions I remember when a teacher molested a young girl in school and she became pregnant. He was disposed of forthwith. Today if a young girl at school gets pregnant she does not need to leave school and have her education impaired. She can go back to school once she is capable of going back. Is this not an effort to rectify social inequity? I just cannot understand why such a motion is before this House.

During the past four years Government thought it very necessary to introduce the Rehabilitation of Offenders Law and now well after a certain period has passed, certain offences are considered spent and removed from a person's record. One of the benefits of this Law is that persons who were unable to go to the United States can go now after a period, in some cases, of two years. So, again, this is an important piece of legislation.

The Rehabilitation of Offenders Law means a lot this country and our young people and a lot inasmuch as social development is concerned. This is not like some of the petty little laws that were brought forward by the previous Government. Laws today are introduced to effect social change for the betterment of the country, so how can the Member, with any degree of fair play, say that this Government had done nothing about the social injustices that existed in the country. He should have told the country what brought about the social injustices and how they were compounded during his term of office.

The Labour Law is not all that I desired but we have one and I remember how we took and are still taking insults, criticism and threats and how this Government has suffered because we sought fundamental protection for the working man - those Pharaoh's of yesteryear in this country.

Who controlled this country year's ago? Who were the people who had stores and who were the families who had big business who could hire people? Those are the people who are kicking against this and who are still finding ways to manipulate. They were the ones crying shame on this Government.

Today some employers are getting around the Law. Some of them are hell bent in not giving the employee one inch, but we are going to rectify that situation as a Government. While we only have several months left in this administration that situation will be rectified.

The Masters and Servants legislation of 1842 was a piece of legislation of slave mentality in concert with the thinking of the merchant population and the big families who ruled in this country. Poor people had to leave their families to go to sea to go turtling, which was a big industry that kept this country going, and would come back months later to find nothing. It is a good thing that this country has always had good mothers. The people were forced to credit with the stores of the big merchants and if they did, they had no jobs and their families suffered because of the backward position of this country in those years. Yet, those money-mongers, those Pharaoh's of today are telling us that we do not need labour legislation. Yes, we have come a long way, but the inequities that existed are still out there and this Law can rectify them.

After all those years of being under the Masters and Servants legislation of 1842 - you hear what it is called 'The Masters and Servants' as I said slave mentality - it is not the case today, but in those years a worker with all his children and mother to support could be fired, although he may have been innocent, and have no retribution whatsoever.

Mr. President, up until this year, 1988, a worker in this country could have spent half his lifetime working on a job and his employer could let him go without the employee having any retribution. A worker can get up to 12 weeks severance pay in this country now. That came under this administration. The two Elected Members for Bodden Town did not see fit to support this legislation and this is social protection.

I remember all the people who could not get holidays with pay. We can think of the hundreds of mothers in the country approaching their confinement in their pregnancies who would have had to leave without any economic security at all or without any real measure of financial backing. And it is with deep satisfaction to know that this administration passed the Labour Law which responded to that human dilemma of our women. And, that is not to say that certain institutions in this country were not paying, some were, but I remember as late as seven years ago when my wife was in confinement we could not afford for her to stay home and I was doing two jobs. The bank would not pay her and she had to go back after six weeks because there were no benefits. And while some institutions take pride in, respect the country and helped the people, others will not because they have that slave mentality. This Government saw fit to protect this sort of situation.

What about the workers who were unable to collect their wages and benefits from a bankrupt company because they were workers and therefore came at the bottom of the pile when the assets were liquidated? We had that problem upon taking office as representatives. I remember the many cases which came to me arising out of one situation alone and I riled against the Government because I was unable to do something to help my people. We had to wait for this legislation. After 12 years of promises of labour legislation it did not come, it was not on the books and our people could not be protected. It is with great pride and satisfaction today that I supported and brought that motion forward to get it going in time.

Today that worker can stand inside any bank or financial institution in this country with the right to what he is entitled to if one goes into bankruptcy. We have protected the working man and yet the opposition Members in this House scream on public platforms telling the business community not to support the Labour Law. I say to other Members in this House and to my people, take heart and give the Labour Law a chance to work. Remember this, some workers may have no need of the Law today, as I have mentioned, but who knows what is in store for the future? Let us give the Law a chance to work and as far as we are concerned we, who are representatives, must be willing to amend the Law when we find employers finding loopholes. We have tried to be fair to all sides - employers and employees, now employers must be fair to all concerned. If we do not do it we are going to have further cause for social disruption in this country.

And so Mr. President, we have done something about the labour situation - not as I would have liked to because I am a very liberal-minded person and they might say that I am a radical. Well, Jesus Christ was a radical too, however it is not worth all that I wanted it to be, but we have protection for the working man. Yet they are running around selling their propaganda and telling the public not to support the Labour Law or Government.

That is no lie, that is what was said on the public platform. Of course, the two Members introducing this motion did not support this piece of legislation. It has its faults just as they claim the last bill we put through had but they could have done the same thing. They could have voted for the

good parts and visa-versa, but because this administration passed it and because this little nigger-boy from West Bay put it through they would have nothing to do with it. I do not forget those sorts of things, Mr. President, I cannot. And, further, I will say that the labour legislation is one of the greatest pieces of social legislation ever to hit the floor of this Legislature.

Pension: We tried to institute a pension scheme, but Members would not support it. They get on the outside and say that we should pay retirement pensions out of work permits fees? How much do they think that we could pay out of work permits fees? Even if we pay the top persons \$2,000 to \$3,000, is that enough to pay retirement pensions with the amount of people approaching retirement age in this country? People who are not now provided for? And, again, their big supporters, the merchants, were the people who riled against this legislation and they got the two Members' support. This was a promise since 1972 which the Second Elected Member for Bodden Town signed.

While they should have been backing this Government to the hilt they were campaigning against us with the Chamber of Commerce and the rest of institutions in this country which had people working for them for 25 or 30 years who were let go. These are the people today who are crying down the Government saying that it is communistic because we tried to put that important piece of social legislation on the books. Yet there are Members saying that Government is doing nothing about the social injustices! Mr. President, they cannot be fair if they speak with an up-side-down mouth.

Let us give this retirement scheme some genuine support so that we can try to get it instituted. Government will have to back-off sometimes, but we can only take so many threats. I have lost enough personal business because of the Labour Law and the Pensions Scheme. People do not like me for it and I am talking about those same merchants and some of the business communities in this country. I have lost business but that does not deter me. What I feel is right for the people of this country I will always support. If they care to throw me out come 16th November that is fine, but they will have to find good people to put up.

In our campaign we promised that we would try to upgrade the pre-school facilities. This has been done. Government has in its employment a pre-school supervisor who has been working with the owners of pre-schools. Upgrading is still in the works, but do not say that this Government did not start.

I have stood here for a good hour repeating the good things that we have done so it cannot be said that we did not do anything I have given facts.

The Member said that we needed to do something about school lunches. Well, from 1986 Government introduced the school-lunch programme for the needy with \$25,000 which is provided each year and will continue to be provided if we are still here. So, it is with a deep sense of pride and the fact that in our four years of office that some of the vital indicators that show the inner quality of life in the community and the way in which it is moving shows the extent to which the human being is regarded and protected. I am proud of our record and can stand by it. It is not hearsay, it is facts. It is not rubbish like saying we did not do anything. It is quite easy really to put paper in a typewriter and type something up, but it is very hard to get our policies implemented - but we did. And so it is because of that record of dealing with what I term the human equation which I maintain and have always maintained and the sooner the people of this country realise that the human equation is the heart of the political process, the better. That is what the people elected us here for. This Government can hold its head high.

in my opinion, this motion is only fulfilling a promise that the 1988 campaign has started, and this is what we are seeing. I know that there will be smear tactics as has begun, but I have always had a good reputation even if I must say so myself and I can stand shoulder to shoulder with any other man; I have no ill-gotten gains. What I have gotten out of politics is one large court case which I will, for a long time, pay for. Victimisation! I have never stolen anything so I can stand tall with the rest of them.

The motion, in my opinion, should be thrown in the wastepaper basket. It is filled with nothing but allegations and personal opinion and it was an attempt to hold up the business of this country. It is sad to say that that has happened, but when we heard the allegations and false information that was introduced we had to have our say. So, I am voting with the Government by throwing this motion where it belongs - in the wastepaper basket. Let the Members who introduced it get out there and work for their people. If one is not on Executive Council it does not mean that one cannot do good. We are a living example of knowing how to get things done outside of Executive Council.

My advice to those Members is to get back in here, work with us, try to help us and tell people the good things. If they have something else to say that is fine, they should be able to say it but they must come in here and tell the truth about what Government is doing to rectify the social inequities.

Mr. President, I am always a truthful. The Member knows that and what I have said here today is the truth, the whole truth and nothing but the truth. If ten High Court Judges were sent here and the information was put before them there could only be one sentence for his motion - throw it out!

MR. PRESIDENT:

The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, I wish to oppose Private Member's Motion No. 4/88 which seeks to establish a Select Committee to find solutions to the social problems facing these Islands. Like the Second Elected Member for West Bay who spoke before, I see this motion as nothing short of electioneering and since others have declared that the electioneering has started I am going to start mine too.

The Mover, in his submission to this Honourable House, accused the Elected Government of Executive Council and its backbenchers of being elected on a set of campaign promises about the social ills of this country and what we were going to do about it, and his submission is that neither the Government nor its backbenchers, which includes myself, have done anything.

This is an election year and it seems like the most popular religion this year is going to be confusion. We have to confuse the people about the real issues because if the facts are known we do not stand a chance - that is the opposition. I can stand by my record and by the time I have finished today I do not believe that they are going to try to stand by their record. They are going to try to find some other record to play or make another move here or there to put on a few more satellites.

Mr. President, I cannot understand how the Member in his submission can say that this Government nor its backbenchers are taking any steps in trying to identify and alleviate the social problems of this country. I intend to prove the opposite because I believe this Government has done much to identify the problems and in finding the solutions to the social ills of this country. I am a man who is proud of his right to say what he pleases and I believe that I have demonstrated that I have the courage to say so.

The Manifesto on which I was elected in 1984, and which the Member claims is reeked of promises of utopia and a cure for all of our social problems, says this, and I quote:

"I will give priority to our social services for introducing a reliable and beneficial social security scheme; increasing sporting and cultural facilities for all especially the youth and to expand the library services."

Mr. President, the only thing in that that has not been achieved, in particular at my constituency level and in the whole Island, is the introduction of the reliable social security or

contributory pension scheme. I will deal with the reasons why it has not come as I move along in my debate.

I know of only one person who was ever elected to this Assembly without promises, he promised them nothing and he delivered nothing for many, many years. The people had no yardstick by which to measure his performance because he never told them what he was going to do, and that person is a stalwart of the Unity Team. I hear they are trying to bring him out of the mothballs.

In my opinion, even if the "Whereas" sections of this motion had any foundation of fact I could never, with a clear conscience, support the "Resolve" section to create, by the two Elected Member for Bodden Town, a Select Committee to deal with anything because if my record of attendance at Select Committees was as atrocious as theirs, I would not even want to hear that word mentioned.

Mr. President, I have an apology to make because I was the Member who dug up the statistics on Select Committees that were used by the Honourable First Elected Member of Executive Council a few days ago, and he was corrected by the First Elected Member for Bodden Town who said that he had attended one Labour meeting. That is true, Sir, but the reason why I missed that is because he should not have been marked present for that meeting. I am referring to the Minutes of that meeting and it began at 9:20 a.m. The Member arrived at 10:15 a.m. and departed at 11:00 a.m. and did not come back for the rest of the day.

Now, we spent approximately 140 to 150 hours in Select Committee dealing with the labour legislation and I would not hazard to correct anybody if I had attended in total a period of 45 minutes out of that 140 to 150 hours. The minutes of that meeting bear no reference to any submission or any contribution made during that 45 minutes by that Member.

Mr. President, what is the point of those two Members appointing a Select Committee to look into these matters? There is no way that we can make them attend. Their record is so bad that we have had to cancel meetings because the Second Elected Member for Bodden Town is the one person who would make up a quorum for a meeting and he refused to come into the Committee Room to make up the quorum. He would leave the compound so that the rest of us could not meet. And they have the temerity to come here today and call for a Select Committee.

We have had other Select Committees on Standing Orders and the Election Law and also the Standing Finance Committee, and if there is any Committee that any Member of this House should have a responsibility of attending is certainly the Standing Finance Committee which controls the pursestrings of this country. These Members are elected to assist in that. They are elected by their people to represent them. It is no wonder that they make all these wild accusations about what is going on, and then the facts start to come out. You will find that the very things that they are asking to be done have been done either months or years ago.

Of the Finance Committee meetings, including the Standing Finance Committee which was called to deal with the Five Year Economic Plan, the First Elected Member for Bodden Town attended three and the Second Elected Member for Bodden Town 10. If one looks closely at the records it can be seen that most of their attendance was when the House adjourned during the Budget Meeting to go into Finance Committee and we got a big meal in the back prepared by Miss Mary. They will walk out of Committees, Sir, but when they smell that food out on the street they come right back in again - that is the Second Elected Member for Bodden Town, not the First Elected, he does not chase food like that.

The only reason these Members would want to send these matters to a Select Committee is because they want a Committee to be set up to deliberate and identify the problems in black and white, come up with solutions and table them so that they can sneak them out the back door into a public meeting and say, "See what we got in our Select Committee which we did not attend. These are the problems and solutions."

In this election year I am not going to support anything that asks for a quick fix or temporary repair to serious problems in this country just for electioneering purposes to save a few seats. Some people treat their consciences as a man handles a wheelbarrow. They push it along in front of them in any direction they want it to go instead of being guided by that conscience.

I listened as closely as possible to the Mover's submission as to why we needed this Select Committee and I could have missed a point or two, it has happened before, but I heard not one single specific problem identified that needs attention or any solution offered to that. All I heard was incoherent claims to spend money to build big buildings; to give them this and give them that; give them the money so that they can go out and spend it and bring back the results. They must come to Finance Committee if they want money. We cannot give money here, they know that.

Now, Mr. President, I am going to crave the indulgence of the House to reply to some of these accusations in the same disorderly, ad hoc fashion in which they were laid. However, the thing that bothers me most of all is the claim that the backbenchers have nothing. If there has ever been a problem in our group it is because at least two of the backbenchers always seem to be climbing up the four Elected Executive Council Members' backs, and I have proof of that.

Let us look at the history of Private Members' Motions in this House, and this record has been extracted from the Order Book kept by the Clerk of the Legislative Assembly. From 1976 to 1980 we had 14 motions and most of them were trivial matters - Government Insurance from a Jamaican company; Increase in the speed limit from 25 to 30; Removal of compulsory motor insurance; Repairs to church hall walls. During 1980 to 1984 we had seven Private Members' Motions. From 1985 to date we had 47 and do you know how many were moved by the so called opposition stalwarts, the two Elected Member for Bodden Town? Five.

Let us look at what they brought as Private Members as opposed to what we, the Government backbenchers, brought. Three out of their five motions are on the Order Paper for this Meeting and these three, as I have said before, are nothing but electioneering. They brought one in November about Cayman Airways' accounts being inaccurate and the one before that was with regard to a Referendum Law. They wanted to take the administration of the country out of this hallowed chamber and carry them outside so that they could stir up the people and get them to vote in the way they want them to. But, Government's work must be done in here and they must be part of that system. One can only be part if one is present.

Now, let us look at some of the things that the backbenchers put on Government. We had them trying to figure out what to do about increasing Meetings of the Legislative Assembly. We had the Labour legislation; the Five Year Economic Plan; the Election Law; the Rotation of Doctors at the Hospital; that Government offices remain open during lunchtime; the Ban on cigarette and liquor advertising; The Prevention of Sale of Liquor on Sundays; the Feasibility of the Contributory Pension Scheme; The Publication of all Government legislation in local newspapers; The Select Committee to establish Radio Cayman as a Statutory Corporation and it goes on and on. These were motions to produce results and benefits for the people of these Islands and that would assist in identifying and alleviating the social problems of this country, and I will deal with those as we go along.

But, Mr. President, the problem is that the four Elected Members of Executive Council do not have a couple of broomsticks that they dress up over here, and they know that when they say "Jump!" we do not say, "How high?", we say, "Why?" and they have to convince us why. There is not anybody 'reclining' now. We are prepared to debate them on a one-on-one basis. We have had some hot sessions here, Sir, but the opposition did not come from those who purport to be the opposition in this House. All they have done in the past three and a half years is stir up a little trouble and organise walk-outs here and there, but nothing of real consequence to effect the good running of the Government. They did not even support us in a lot of these

matters even if they thought it was a good thing. They could not politically venture to. No, they either went to the Committee Room or went home so that they would be absent or they abstained.

Mr. President, if you were to go back in to Hansard of this House and check those two Members' record in debate and voting - not only in Select Committees where they claim they could not come because we harassed them so; it is difficult to harass someone if they are not there, Sir, at least the harassment should not bother them because even if they are harassed they do not know anything about it unless, as the old people claim is true, their ears may be ringing while they walk about George Town or while they fly all over the United States.

What about the Labour Law, Social Security, the Elections Law, the Rehabilitation of Offenders Law, the Public Finance and Audit Law, the Five Year Economic Plan, the ban on cigarette and liquor advertising, the Liquor Law, the National Sports' Award, various amendments to the Penal Code including raising the age of consent, various important amendments to the Misuse of Drugs Law, Increases in allocation to Social Services including staff and addition of drug counsellors. Look at these two Members' record in the debate - most of them they did not debate. If they did not vote against them they abstained. Now the Member comes here and says that this Government and its backbenchers have taken no action.

Mr. President, I can understand that coming from the First Elected Member for Bodden Town because, for whatever reasons, he has been absent a lot, but certainly the Second Elected Member for Bodden Town, who has been present at most of the regular Meetings, has to know about these matters. How can he second this motion?

It is a good thing that the Government from 1976 to 1984 had approximately \$13 million to dump into the airline because we thought the First Elected Member for Bodden Town felt that it was not safe to fly. I can remember when he would not travel on anything else that was not bound to earth by gravity like a boat or train. Now he is not afraid of flying, so at least we have done that - we have got him going that far.

MR. JAMES M. BODDEN:
not afraid of any human being, including him.

Mr. President, I might be afraid of flying, but I will say that I am

MR. D. EZZARD MILLER:
Member knows that, but I am glad that he can now enjoy a good flight and that he has become an expert in the airline. That is good. That is the benefit that we got from that \$13 million.

Now, Mr. President, the Member made some references that this Government is not guiding the good ship Cayman properly in terms of its social policies. One cannot know what is going in a ship unless one is on that ship and is a part of the running of that ship and the Member was put here for that process - to be a part of the running of that ship, the good ship Cayman. But I remember a while back when he said that his ancestors used to walk the shore with a lantern on a donkey and bring the ships in on the right course through the reef. Of course, in those days they had to do it for good purposes to get lumber to built houses and get sugar, etcetera. I am wondering whether this motion is not similar to the Member not now riding that donkey and trying to bring this ship, the good ship Cayman, aground? I do not think that he is going to be successful, Sir, not with the pretty good navigational crew that she has and with all the modern technology. We have some radars - we can see land a long way off.

Mr. President, as I said, other than in Select Committees, their record on debate and voting to a lot of these motions which were brought by the Second Elected Member for West Bay and myself such as the Labour legislation and the Five Year Economic Plan shows that they did not even debate. The Second Elected Member for Bodden Town tells me that he could not support the Economic Plan because Government was going to control his sex life. That document, Mr. President, is one of the most important to be produced by this Government over the past three years.

I have to ask the question - why bring this motion at this time? I it is to launch their election campaign I believe that. Between what the Second Elected Member for Bodden Town and the Honourable First Elected Member of Executive Council have already said, what I and others are going to say they are going to be sorry that they launched their campaign this way. How often do we find a critic of the church who has made any attempt to change it or to improve it in any way?

It is my submission that one of the most important and crucial steps taken by this Government in the past three years to protect this country's social and political atmosphere in the future was the amendment to the Constitution which was made last year. It changed the qualification of those who can vote and those who can sit in this Honourable House as representatives of this Government. We had to make a special amendment to that to accommodate the First Elected Member for Bodden Town to allow him to qualify where the 400 days of being absent was concerned. I opposed it then and I still oppose it today.

MR. JAMES M. BODDEN:

What you are doing is making retroactive legislation again.

MR. D. EZZARD MILLER:

Mr. President, call it retroactive if you will, but when one is elected to be here and to serve, no special dispensation should be made for any serving Member if he has not been on the island for 400 days out of the last three years.

The Second Elected Member for Bodden Town refused to sign the motion because as we all know an amendment to the Constitution is easier to accomplish where the Home Office is concerned. I do not agree that those Members have been the opposition, that has been their cry. Most of the time they have been the minority in opposition and therefore they were being victimised and silenced and everything else. That Member refused to second a motion being moved by the Honourable First Elected Member of Executive Council because the people of Bodden Town would not understand his seconding anything which the Honourable Member moved. This is one of the most important pieces of legislation which has been brought to these Chambers over the last three years and such fickle politics is going to be made to prevent him from becoming involved in the process - the very process of which he was elected by the people to take part in yet he can second a motion now to set up a select committee to look about the social problems!

MR. PRESIDENT:

It is now perhaps convenient to take the break?

MR. D. EZZARD MILLER:

Yes, Mr. President.

MR. PRESIDENT:

Proceedings are suspended for 15 minutes.

AT 3:22 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:39 P.M.

MR. PRESIDENT:

Proceedings are resumed. The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, what I would probably regard as the most

ludicrous of charges laid in proposing to establish that this Government and its backbenchers did nothing for the social problems in this country, was when the Mover said that we need to overhaul the Government's training policy and to change the hiring policy to give the young people a chance.

Now, while I personally had no problem with either the First or the Second Elected Members for Bodden Town in terms of my leaving the service, I certainly had many problems with one of his cohorts whom I think did a lot to destroy and discourage a lot of good talent in the civil service in the last 1970's. I have voiced, several times, on this floor that I have a single greatest concern about the future of this country, and that is that the brain-drain of the Civil Service in the last 1970's and early 1980's have created a vacuum which will take a concerted effort and a long time - hopefully not too long - to have replaced in the civil service. As I have said before, the success of this country, I have never believed, had anything to do with any magical stand in the Constitution - it had to do with the fact that this country had a hard-working, honest civil service who could deal with the problems facing this country.

Mr. President, I was a victim of their glory years of administration. The year I completed my qualifications as an hospital administrator. At Government's expense they removed the post from the budget. It did not matter what I tried to do at the hospital, I usually wound up before the Public Service Commission on some ridiculous charge such as threatening to blow up the Government Administration Building!

They say that we should tell the young people that they can grow up to be Governors. Mr. President, the day has to stop when we make those kinds of assertions and those unrealistic and hollow promises to the youth of this country. The only way our young people can grow up to be Governors is if the Member is advocating independence.

What have we done to try to encourage young people to stay in the service? We re-wrote the Public Service Commission Regulations. Government re-wrote the operation handbook of Government called the General Orders. It tried to improve the conditions of service to encourage young graduates to join and stay in the Civil Service. In the 1984 Waller Report - I have not seen it, but I understand that that is where it transpired from which was during their administration. A special salary scale in the estimates was created from which young graduates could be paid. Prior to that, when young graduates came home they were put with clerical officers.

We have continued to add incentives to that move and have tried to encourage the young people to stay around and to offer them career guidance as part of their employment in the Civil Service. We have started a proper career guidance and counselling in the High School. These are positive steps which are going to have good results in alleviating the social problems in this country. There is nothing more heart-rending to any young adult who spends four years in a university to come home to contribute to his country but is treated like a dishwasher and given no incentive or opportunity.

The Mover said that we should encourage youngsters in sports. More has been done in the last four years than in the last 20 years to provide facilities for proper organised sports to encourage the youth to become involved in these wholesome activities. Much of this improvement has been done in concert with private organisations and Government in providing training facilities, etcetera. I find it hard to take seriously the charge that we must encourage youngsters, when those two Members walked out while other Members are paying tribute to athletes who have glorified Cayman with their success in the Carifta Games.

The Mover said on several occasions that the Honourable Elected Members and their backbenchers, which includes me, have done nothing or made any attempt to deal with the social ills of this country.

When I saw a national issue that I felt strongly about if I could not convince the Government to do something about it I tabled a Private Member's Motion. There have been times when I have been shot down and have stood alone on issues but because I felt strong enough about it to raise it on the floor of this Assembly.

The Mover said that we liquorised the Island and that we should not moved the quarter mile limit from the churches in the Liquor Licensing Law. If the Member feels strongly about that, why is not a Private Member's Motion on the Order Paper to put that section back in? There have been a lot of misinformation propagated about what was done with the Law. We did remove the quarter mile limit because it was a joke to have it in the Law. Licences for premises close to churches were re-issued year after year while others that did not have licences could not get them unless \$150,000 was paid for one.

And, of the statistics which I have seen, since the coming into effect of that Law, I do not believe there has been one increase in a general bar licence. I do not know of one new bar which has been licensed. There have been several licences for restaurant and bars which are wine and beer premises, but that had to come about with the economic development of the country. What they are not telling the people is that that Law is not a one-clause Law. It does not simply remove the quarter mile limit. There is a lot of responsibility placed on a licensee under the Law now which was not in the old law. Further to that, the meetings are in a public forum - anybody can go to them and object and their objections will be taken into consideration by the Board before a licence is granted.

Mr. President, in my own constituency, the fifth electoral district of North Side, I believe I can stand eye-to-eye with any man with whom I have done my share to alleviate the problems in that community. It is a pity, as the Jamaicans say, that 'a lickie bit' has not been done for 33 years because my task would not have been as great. I will give them credit, they purchased the piece of swampland in North Side on which we eventually built a football field at great expense. Their administration was good at buying land. However, I have worked hard over the last three years to get that soccer-pitch in Old Man Bay. Besides that, I have involved community members, it will soon be up to international standards and it will be lit.

Any time that I have seen a problem in my district I have taken action during all my term in office; I have not waited until election year to take action. We have improved the public beaches in the community. NCSS has put in a camp site in Old Man Bay. We have marked the public access ways - half of which was lost during the previous administrations and Cadastral Survey. The Member responsible for my constituency at that time - and that was before the 'Bodden Twins' came to power - did not see fit to make sure that the public right-of-ways, which had been used for 50 or 100 years, were demarcated as such. Now we have to go through one long legal approach of getting affidavits and getting Government to put its signs on and claim them. It looks as though it is going to take forever to reclaim established right-of-ways for the people of my community and all because of inaction, poor representation and because of no representation.

We have worked on the Primary School's physical facilities, including the playing field. A library has been added and a large number of books have been donated at the generosity of certain individuals. They have given of their time in putting up shelves and arranging the books. Most recently, we have one person who is starting Narcotics and Alcoholics Anonymous with the Drugs Counsellor from the hospital. We are getting the big brother's and sister's programme started. We are getting the library services manned at least three times a week so that students can utilise the books for study. Sport activities are being increased in the districts by the sport organisation. Mr. President, all this is to provide wholesome alternatives for the youth, because if we do not find wholesome alternatives for the youth the devil is going to find work for idle hands.

My question to the two Members bringing this motion is, what have they done for Bodden Town? The only person of whom I read in the paper or see involved with the youth in Bodden Town is Mr. Roy Bodden.

Mr. President, the efficiency of the Social Services Department was brought into question. The Second Elected Member for Bodden Town said that in three, two or one year when

Government had \$100,000 in the budget, he could not manage to get two sheets of zinc for a needy lady in Bodden Town. Why? I did not find that problem when, due to a tragic fire, the need arose in my community, but within seven to 10 days I had \$5,000 worth of material on site - all provided by Social Services - because I was prepared to put a nail apron around my waist, an hammer and saw in my hand and get out there and get the community involved. We built that three bedroom house which those people are living in today. But, Mr. President, I never ask people to do for me what I am not prepared to do for myself. And I would think that at some time within three years the Second Elected Member for Bodden Town could have nailed up those two sheets of zinc himself.

In the next two weeks I expect to get assistance for another need which is justified - materials probably in the amount of \$2,000, are to be bought by Social Services for a lady. The community is going to get involved and repair that lady's home. That is what I regard as taking action in the social problems of this country - not by coming here and making a four hour speech. I can be just as long-winded as anyone when I want to be.

The Mover raised a fact that there are a lot of termites in our community. I agree with him. We have spent a lot of time in Finance Committee and other committees of this House trying to kill those termites which will destroy this country if they are not killed. We managed to get some of them. Some we still have to get under control, but we will get them under control if we are given the chance.

All this which has been accomplished has been done with constant harassment from the running politicians, the intended running politicians and their supporters who purport that they can better represent the community which I represent, and in the coming months they will be telling the people how they can better represent them. Every time they see a machine at the public beach for the purpose of improving it, they run up to the Portfolio to say that Ezzard is stealing the sand, instead of coming out in the hot sun to help me lay some blocks. I will welcome them all to enjoy the worthwhile facility when it is finished because that it will be. I am prepared to take them on in the electroneering forum because I am prepared to let the people of my constituency judge my stewardship.

In 1984 I asked them to give me the chance to represent them and my record is there. If they want that kind of representation, they will vote for Ezzard Miller on the 16th November, 1988. If they want someone who is a good socialite who is going to run around and embarrass them here and there by a little too much of those sprits, then they will vote for somebody else.

Mr. President, I am beginning to feel like an old politician which, as my helicopter instructor said, is likened to flying an helicopter which requires great fear, and becoming an old helicopter pilot requires constant suspicion. I do not know if I want to become an old politician because this constant suspicion bothers me.

Mr. President, I am strongly opposed to the suggestions in the 'Whereas' sections of this motion. I have said that I cannot support the 'Resolve' section establishing a Select Committee because I do not believe, with respect to the Members' track records, that they are going to attend. After all the seconder has wings this afternoon to, I believe, some Rotary function. Not to cast any disparages on Rotary International, but here again the question of priorities must be brought to the front. How serious can this Member be in seconding the motion when he is not even around to hear the debate and to see the other Members occasionally slumber away? Mr. President, that may be partly my fault because I may be droning and putting them to sleep, but, when I bring a motion, I do my best to keep awake because I want to hear what Members say.

Mr. President, I cannot support this motion before the House and I think it should be withdrawn. The First and Second Elected Members for Bodden Town should save face and start their election campaign somewhere else.

Thank you, Sir.

MR. PRESIDENT:

Does any other Member wish to speak?

exercise his right to reply.

If no other Member wishes to speak I call on the Mover to

MR. JAMES M. BODDEN:

Mr. President, I wish to apologise at this point if my delivery may seem a little disjointed because I have tried to follow and take notes on the debate of various Members who have spoken on the motion and I will try to deal with them as intelligently as I can. I may be repetitious because I would have liked to have had the opportunity of preparing my notes in the manner in which they should have been dealt with and what has been said. I apologise if I may become repetitious and also if I may stray some, but I ask for the leniency which has been shown to some of the previous speakers. I have about a dozen pages of notes that I will try to deal with.

The slated personal attacks that the three Members expressed does not bother me one bit because I am used to, over a period of years, hearing this type of answers to anything that may be critical of what they are doing. This is the manner in which the Honourable First Elected Member of Executive Council, and his two supporting backbenchers, have always dealt with problems on the floor of this House. So it does not surprise me one bit.

For instance, before this motion could have ever have come to the floor of this House for debate, two attempts were made by the Honourable First Elected Member of Executive Council to keep it from being discussed. He even got confused in trying to move a motion under Standing Orders when he got confused about the Select Committee.

The Honourable the First Elected Member of Executive Council brought into the debate the amount of money that was spent on Cayman Airways, its indebtedness, and that we were following a seatbelt which, according to him, we did not find.

I do not believe in singing praises for myself but I am confident to say that to see Cayman Airways flying today is a monument to the 1976-1984 Government of this country. With the adverse problems that we had to encounter, it could only have taken people of tenacity and determination to have gone through them. Cayman Airways will forever stand as a great tribute to this country regardless of what these detractors try to say. Yes, Cayman Airways has lost some money, but we must never lose sight of the fact of the large amount of money that is injected into the economy of this country as the result of Cayman Airways bringing people here. It is a very dependable airline and this is the record that we have.

We could never have seen the prosperity that we have seen and that we are seeing today if we did not have a reliable airline to transport people from abroad and to transport our own people back and forth to this country. We have had every allegation in the world, from 1977 to 1984, with regard to Cayman Airways. Since the 1984 election we have been hit every side for endeavouring to find out anything about Cayman Airways. I wish I had the time in this motion to debate that and answer it fully.

I would venture to guess at this point that Cayman Airways is probably putting at least \$10 million a year directly into the labour market in Cayman. Our own people are earning that money, in most cases. I agree that in some cases we have to bring in people from abroad to fill some positions, but I do not agree to bringing in all the Irish stewardesses, and so forth, who have been brought in to fill some of these positions.

However, be that as it may, this airline has contributed tremendously to the amount of money that is used up by the labour force in this country. It has provided very good jobs for our people. It has given the youngsters today something to hope for so that they can get, one of these days, the high-paying positions in Cayman Airways. So why do these people constantly try to degrade? Mr. President, if they lived as long as Methuselah, they would never be able to match that accomplishment, and that is why they come in here and talk the ridiculous stupidity that they do.

Yes, this country went into debt \$20.5 million to secure the two Boeing 727's. Yes, they tried to disprove that we were right in purchasing those two aircraft, and they followed an elusive cloud to Ireland and brought in a 737 which was a disaster for them. Yes, Mr. President, the company lost quite a bit of money over the seven years during 1977 and 1984, but that loss has not been cut - it is still losing a tremendous amount of money, but in my opinion it is losing it correctly because it is a lifeblood to this country. It helps to control our destiny and the type of tourism. If you do not believe what I am saying, then close it down and you will see the adverse effects to this country.

I will remind that same Member, Mr. President, that although our administration may have pumped - I do not remember the exact amount, I will quote his figures - \$17 million ... (INAUDIBLE) ... I am dealing with it, I will tell you about the \$20.5 million first but although we may have pumped \$17 million of Government's money into the airline during those seven years, believe me, Mr. President, if he lived as long a Methuselah, his administration would never be able to pump \$17 million into something because it would never have it unless it was borrowed. We did not have to borrow that money ...

MR. W. McKEEVA BUSH: On a Point of Order, Mr. President, Standing Order 36.

MR. PRESIDENT: I presume you mean relevance to the scope of debate?

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

MR. PRESIDENT: I am watching that point, thank you very much. I think the point here is that there has been a very wide range of subject covered in this debate. This subject was raised and I think the Member has a right to deal with it, but I do think that he may now be verging on overcovering the point. Would the Member please proceed.

MR. W. McKEEVA BUSH: He wants time to debate, that is

MR. PRESIDENT: Please proceed.

MR. JAMES M. BODDEN: Mr. President, I thank the Member for that. It just shows their usual attitude.

If I had the time to go through my notes, I think all three of the Members spoke about Cayman Airways, so therefore I contend that I am not broadening my debate.

MR. PRESIDENT: I do not think you are, but I think you have given pretty ample consideration to the point.

MR. JAMES M. BODDEN: Well, I will try to deal with it without being repetitious. If you would like, Sir, I will stop my debate on this now and reply to each Member's issue, but I would like to finish with it before I go on to my other points.

Mr. President, Cayman Airways' losses have not stopped. Last year the true loss position amounted to about \$2.9 million although, in a sense, it was camouflaged. But, the true loss, between money taken in and money spent, was that amount. During 1977 to 1984 we were harassed on every point with regard to Cayman Airways. We have left them pretty much alone on the subject since 1984. And, I repeat and would fully like to establish this point, if the money was lost in Cayman Airways, the benefits are being derived today because the economy has improved and that is what it can be attributed to. It certainly cannot be attributed to much of the things that the Honourable First Elected Member of Executive Council has done.

If we lost \$17 million of Government's money, it was money that was surplus revenue that was accumulated, and it is money to an amount that the Honourable Member will never live long enough to be able to put into any project.

MR. D. EZZARD MILLER: Mr. President, on a Point of Order, I hope that the Member is not anticipating his motion to come on Government's finances.

MR. PRESIDENT: Thank you, no, I do think so. I think that the House should accept the point has been made by previous speakers that the social problems which are being discussed in the motion were not addressed by a previous administration because the money was spent, among other things, on Cayman Airways. The Member is replying to that point. Now, I do think, if I may address the First Elected Member for Bodden Town directly, you have covered that point thoroughly.

MR. JAMES M. BODDEN: I will accept your ruling, Mr. President, but I am just making the point of how far they went adrift, and I will get back to it.

The Honourable the First Elected Member, in his submission, started also on the Liquor Licensing Law, as, I think, his two colleagues have also done. I have made my notes on each one of the points. I hope I can deal with this collectively rather than dealing with each Member's issue individually.

The Honourable Member criticised the part of the old Law of new licences to be granted within a quarter of a mile from a church, civic centre or school. We all know that section of the Law has been removed and changed. Now, what the Honourable Member was saying, as I gathered also from his two supporters, was that their reason for removing that was because there were other establishments which were within a quarter mile of a church, civic centre or school and which were being licensed in favour of new applicants in those areas. I think that is what they were after.

Well, Mr. President, that was true, but I think in looking at the Law at that time, as we looked at most other laws, although the licences would have to be renewed every year that those who had been in business in those areas year after year were protected in a sort of grandfather clause - as is done in all of our laws. It was nothing new. If that is the point that they are trying to correct, they have not accomplished anything because what they have done is ...

MR. W. McKEEVA BUSH: There is no grandfather clause in the Law.

MR. JAMES M. BODDEN: Well, it may be a grandmother one.

MR. W. McKEEVA BUSH: None. Not even an aunt or uncle ...

MR. JAMES M. BODDEN: Mr. President, what I was pointing out to the House is that what was done in the Liquor Licensing Law, with regard to this, is nothing unusual. It has been done in many other laws on our statute book. The main point for which they do not want to accept responsibility is that they did remove it and that in the last three and a half years, the liquor licences that have been granted have increased about 50 per cent over 1984. My contention on the floor of this House today is that that is one of the reasons why our social problems are increasing.

They believe in their sanctimonious ways in which they do

things. Nobody pays any attention to the facts and they reap the benefits on the side. It is just like a Member, I understood, saying she has shares in a restaurant which sells food and liquor, but that she does not accept any money from the sale of liquor, only from the sale of food. Now how ridiculous can we be? This is the attitude of this administration.

MR. W. McKEEVA BUSH: That is not true.

MR. JAMES M. BODDEN: Yes, that is their attitude. You have all committed a wrong to society as a whole and you will not admit it. You will try and disguise it.

MR. W. McKEEVA BUSH: Mr. President, under Standing Order 34(b) I think the Member is misleading the House.

MR. PRESIDENT: In what respect? I will give you time to say because this is an important allegation. It is actually, I think, almost merging on privilege.

MR. W. McKEEVA BUSH: Yes, I agree. I should have risen on that matter, however, Mr. President, the Member knows that no liquor licence is renewed. Every year new ones are granted and the situations are looked at with respect to circumstances that evolve during the year. He also misleads the House to say that there is a grandfather clause. There is none and the Member knows that.

MR. PRESIDENT: This is not an easy point to resolved. We will have to take advice, I think. Can the Honourable Second Official Member advise on that if the Member would like to hold on for a moment?

MR. JAMES M. BODDEN: Mr. President, if I were to just elucidate my point, Sir ...

HON. W. RICHARD GROUND: Well, perhaps I can just say simply that I cannot - not without a copy of the Law, not without prior warning of the point. I am sorry, but some things cannot be done just like that.

MR. PRESIDENT: Well the normal procedure is to suspend the House while the Chair considers a point like this. It is a point I think of some importance. The Member is seeking to prove a line of argument. I think he should have the chance to continue that and then later on I will rule on the Point of Order or Elucidation or whatever it is.

MR. W. McKEEVA BUSH: Can I reply, Sir, or not?

MR. PRESIDENT: I would rather this did not become a debate within a debate.

MR. JAMES M. BODDEN: Mr. President, I could not have been Chairman of the Liquor Licensing Board for eight years - and I think I very responsibly carried out my duties - if I had not known that the licences had to be renewed each year. The point I was making is that Government accepted it as a principle - those who had been granted licences year to year for many years prior would have a right to continue with that particular licence, but that no more would be issued. That is the point.

Also, Mr. President, I referred to a grandfather clause. What I really mean by that is that it was accepted as a principle by Government that the people had an inherent right or a vested right to continue with those which were in place but that no more would be placed. I am quite aware that they had to be re-licensed every year. So I will sit down now, at this point, and let the Honourable Second Official Member clarify the point and I will be very ready to come back and debate in the morning, Sir, as the time is used up. I would appreciate that, Sir.

MR. W. McKEEVA BUSH: No, we are going to suspend Standing Orders.

MR. JAMES M. BODDEN: No, no.

MR. PRESIDENT: Would the Honourable Second Official Member prefer to take this tomorrow?

HON. W. RICHARD GROUND: Mr. President, I certainly cannot take the point now!

MR. PRESIDENT: Right, thank you. We will take it tomorrow. I think it is not a matter of the Law, it sounds like administrative practices - both of the Board and of the Government. Would the Honourable First Official Member please move the adjournment?

MR. W. McKEEVA BUSH: Mr. President, I think we should go on with the debate.

MR. PRESIDENT: I am sorry, I have requested the adjournment of the House.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I stand and do move the adjournment of the House 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, 27TH APRIL, 1988.

**SECOND MEETING OF THE 1988 SESSION
OF THE CAYMAN ISLANDS LEGISLATIVE ASSEMBLY**

**WEDNESDAY, 27TH APRIL, 1988
(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, OBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
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
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 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 CAPT. CHARLES L KIRKCONNELL	MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION
MR LINFORD A PIERSON, JP	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT FOR GEORGE TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN

TABLE OF CONTENTS

	PAGE
Prayers	1
Personal Statement	
Mrs Daphne L. Orrett	1 - 2
Private Members' Motions	
Private Member's Motion No. 4/88 Appointment of Select Committee to consider conditions and to find solutions for island' problems	
Continuation of Debate	
Mr. James M. Bodden	3 - 21
Mr. W. McKeeva Bush	23 - 24
Mrs. Daphne L. Orrett	25
Mr. D. Ezzard Miller	26 - 28
Capt. Mabry S. Kirkconnell	28
Mr. W. McKeeva Bush	28 - 29
Adjournment	29

WEDNESDAY

27TH APRIL, 1988

10:06 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, Phillip 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 the light of His countenance upon us and give us peace now and always. Amen.

APOLOGIES

MR. PRESIDENT:

We have apologies for absence from the Third Elected Member of Executive Council, the Second Elected Member for George Town and the Second Elected Member for Bodden Town.

First item on today's Order Paper is a Personal Statement by the Third Elected Member for West Bay.

PERSONAL STATEMENT

MR. DAPHNE L. ORRETT:

Thank you Mr. President.

Mr. President, I wish to thank you first of all for allowing me to make the following personal statement, which follows upon a remark made yesterday by The First Elected Member of Bodden Town to the effect that it was ridiculous to state that a Member of this House who own shares in a certain restaurant facility was receiving income from the sale of food and not the liquor sold at that establishment. This lead me to believe Sir, that reference was perhaps being made to this Member. As a result of this I would like to state as follows:-

Late in 1986, my youngest sister brought to my attention the fact that the former residence of the late Capt. and Mrs. Rayal Bodden which had been recently converted into a restaurant facility was up for lease. My sister expressed her interest in securing a lease on the premises for the purpose of operating a restaurant, and asked that I consider going into a partnership with her.

My response at that time to her was that I would be keenly interested in doing so, but that any participation on my part, would be subject only to the facility being run both as a none smoking restaurant, and even more importantly, that no alcohol beverages would be sold.

With my close connection to the Bodden family, my sister felt that I should be the first to approach the family members responsible regarding a possible lease. Needless to say there were a numbers of others who were also interested in the property for use as a restaurant facility, but finally we were successful in securing the lease on the property.

The Bodden family members expressed their pleasure in my intention not to have alcohol sold nor smoking permitted, and welcomed our plans to specialize in providing authentic Caymanian dishes.

When all accounting procedures were set up and we were just about ready to open the facility, my sister advised that after discussions with an accounting firm and other restaurant owners, she had been advised that without a liquor licence it was unlikely that the business would prove successful, and as well, that the bank felt that such a licence was necessary.

Needless to say I did not welcome this news and immediately expressed my disappointment that such a decision would be made. I advised that if I had to derived even one penny from the sale of alcohol I wish to no longer be a part of the business.

Not having a controlling interest in the business, I was not able to reverse the decision and expressed my interest in selling out my shares. Since it would take some time for my shares to be purchased, it was decided that two separate accounts would therefore be necessary for the operation of the facility. One which took into account the food sold, and another for the drinks section.

In order to ensure that I derived absolutely nothing from the sale of the alcoholic drinks, I decided that I would have no interest even in the soft drinks which were sold since some of those would at times be used to mix alcoholic drinks.

Although I am pleased to say that the restaurant has been doing extremely well, I am even more pleased to say that the beverage account falls a long way below the amount realized from the sale of food.

Let me go on further to say however, that immediately after I decided that I wanted to no longer be a part of the business, I set out to look for an alternative facility and in mid 1987, I was the first applicant for space in the new Galleria Plaza on West Bay Road.

This time I wanted to ensure that I had a controlling interest and although it has been a long time coming, Aunt Sookie's kitchen should be opening for business within the next six to eight weeks. It will be a totally nonsmoking restaurant and needless to say, no liquor licence will be required.

I intend to prove that with hard work and dedication, a first rate staff and most importantly, the blessing of Almighty God I can operate a facility second to none on this island, or perhaps in the Caribbean.

Mr. President, I have had a number of people tell me over and

over that I cannot have a successful restaurant business without serving liquor. However, I have never in my life made a penny off selling alcohol and I certainly do not intend to start now. I have never served it in my home, and I have done a lot of entertaining in my life. Our family, especially my children and I, since my husband was most of the time at sea, have served many a meal to family and friends and have had a wonderful time in doing so without liquor.

I want to assure this Honourable House and the public at large that my stand against alcohol did not start of late - it goes way back to a little girl of some five years who lost her favourite uncle, my mother's brother, with his being murdered by a drunken sailor outside a night club in Jacksonville, Florida, at the age of twenty eight years. My hatred of liquor was further compounded when I later learned that even before I was born my mother's sister, who at the time was only twenty two years old and four months pregnant, was viciously clubbed by her drunken husband who happened to be a policeman, while she breast-fed an eighteen month old son in bed. She died two days later. The young husband was later hanged in Jamaica.

I was lovingly raised in a home where I did not have to suffer from the direct effects of alcohol, and I thank God everyday of my life for such a joyous privilege. I was raised in a church which preached against the use of alcohol and for this, I should ever be grateful. I attended a school where even our text books contained lessons on the evils and the teachers did not smoke or drink. But believe me, throughout my life I have seen, heard and experienced enough to know that alcohol in my opinion, is a monster.

Mr. President I am not a greedy woman, never have been. If I have a weakness it is that I must have good books to read and good music, most other material things can be had in large or small quantities depending.

Therefore, Sir, I have no reason to stand in this House nor anywhere else to express my perfect hatred for alcohol, and then try to fool the public by accepting money off the sale of that stuff - I did not indulge in its use when it was considered 'fashionable' to drink liquor, and even less so now that its harmful effects are coming more and more to the surface.

Let me assure this Honourable House that I have never, nor do I now, derived income from the sale of alcohol, and to further state my reason for wishing to sell my shares in the restaurant is because the original plans not to have a liquor licence for the particular business were changed, much to my regret.

Further, that I have committed myself to opening a new facility which will be operated without the sale of alcohol, and I look forward to the support of all Members of this House as well as many of my Caymanian friends, in helping to make it a success.

Mr. President, to close this statement, I wish to once again assure the First Elected Member for Bodden Town that I do not derive any income from the sale of liquor, nor even from a soft drink and that I certainly will not be applying for a liquor licence in the future. What I might need to apply for is a Music and Dancing Licence - I will have good music provided and believing without a doubt, that at times when the spirit envelopes that place, people will feel like clapping and dancing, I think it is wise that I have such a licence.

Mr. President, I trust that the First Elected Member for Bodden Town will be privileged to dine in our facility often. I think he will find that our catch phrase which says, "there will be no place else like it in the world", is true. I hope to prove to this community what I have known all my life; that good times can be had without liquor.

I thank you for the opportunity to make this statement.

MR. PRESIDENT:
Private Members Motions.

We now move on to the third item on today's Order Paper;

The House was debating Private Members Motion No. 4, of 1988 when we adjourned yesterday, and a point of order in relation to privilege of the House has been raised on the interpretation of the Liquor Law. I now invite the Honourable the Second Official Member to address us on the Liquor Law.

RULING ON A POINT OF ORDER

HON. RICHARD W. GROUND:

Mr. President, the point that was raised was in respect of the old Liquor Licensing Law, the Liquor Licensing Law 1974 which of course, is now being replaced by the 1985 Law and the provisions of the 1985 Law is such, that it is different and quite different in this respect. So, we have to go back to the old Liquor Licensing Law, the Law of 1974 and one of its amendments.

The provision with which the point is concerned - and if I might recap the point so that everybody knows what I am addressing - deals with the prohibition on granting licences to premises that were within a quarter of a mile of any church, school or civic centre. That provision was inserted into the 1974 Law by the Liquor Licensing Amendment, 1977, and the way to understand how that came into effect, I shall first have to deal with the Law as it stood and then read the Amendment.

The Law as it stood in 1974 was as follows; that under section 9 the Board was prohibited from granting a licence with reference to any premises unless satisfied that the premises to be licensed had plainly marked exits, an adequate fire extinguishing system and complied with the Laws and Regulations affecting building, town planning and public health. It also had to be satisfied that the premises was situated at a location where they would be of service to the public and would not cause inconvenience to the owners or occupiers of neighbouring premises. Now that was the Law in 1974 when people could have been granting licences under that Law.

The provision for renewal was as follows; - though the Law I think, no where says it - the form of the licence that was granted was an annual form and the licence had the date that it expired fixed in it. The licensee, when his licence expired or was about to expire, would apply to the Board for renewal and that renewal would be granted or at least dealt with, under section 5 of the Law which provided that if there were no objections to a renewal, the Board could grant the renewal without actually having a formal hearing. In other words, it would be done - "automatically" may be the wrong word - but it would be done with a minimum of procedural difficulties. So renewals to that extent were different from grants because, for a first grant, the applicant had to turn up and be heard.

Now, Mr. President, that Law was amended by the Liquor Licensing Amendment Law 1977, Law 15 of 1977, and it was amended in very simple terms by inserting into section 9 at the end - and section 9 was that list of things the Board had to be satisfied about before they granted a licence - that the premises in respect of which a licence was granted should not be within a quarter of a mile distance of any church, school or civic centre.

The amending Law contained no transitional provisions and it contained no clause or other provisions that explained how that newly inserted restriction should be applied or take effect. In other words, it did not expressly save existing licences nor did it expressly say that the new provision would apply to them, so the application of the new provision was very much a matter of interpretation, it was not declared in the Law.

Mr. President, matters of legal interpretation are always arguable until decided by a Court. As far as I am aware, there was no Court ruling on this matter. I have asked the Third Official Member who is now the Chairman of the Liquor Licensing Board what the practice appeared to be as ascertained from the records he holds. Based on those records rather than any personal experience of his, he tells

me that the practice after amending the Law seems to be that it was applied so as not to take away the right of any licensees under licences granted before the amendment. In other words, when a renewal was applied for a licence granted before the amendment, when such a renewal was applied for after the amendment, the renewal was granted, notwithstanding the fact that the premises might fall within a quarter of a mile circuit of the church and, as I understand it, that was done so as not to take away existing rights.

If I was now asked how the Law should be applied I would be bound to say, in my view now, that an application for renewal is notwithstanding the provisions that cover the easier procedural aspects, notwithstanding that a renewal is none the less a grant of a licence and would technically be caught by the provision. However, my opinion now is not what matters it would have been the opinion or the ruling of any Attorney General at the time and I cannot say, my records do not show whether any such ruling was sought and if so, what was given.

So to summarize Mr. President, whatever my opinion is now, the matter was one of interpretation. As I understand, the practice was to respect the rights of licences of licence holders granted before the amendment.

MR. PRESIDENT:
budget, what would you like to say?

We do not normally have a debate on an issue like this on a

HON. BENSON O. EBANKS: No Mr. President, it is not a debate. The Second Official Member in his very able way has dealt with the matter, but I believe that for clarity he might address the question of when an application for a renewal was opposed. I think he addressed the renewal for an application which was unopposed that the applicant for example, did not even have to appear; it was an administrated matter. But, I wonder if the Honourable Member could address the House on the question of where an application was or could be opposed under the 1975 Law - I think it was under section 9 that he referred to.

MR. PRESIDENT: I am not sure that you can expect the Attorney General to advise you on that partly because he may need notice and partly because it must surely be a matter for the Board.

HON. RICHARD W. GROUND: The position in general terms would have been that if an application was opposed the short procedure would not apply, that is again my interpretation of an old Law now. The Board of course, would have had its practices, I have no idea what they were in respect of that. If the Board erred in its practices in those days, it would then have been opened for an objector or an applicant to take the matter to the Courts. I simply could not say without a great deal of research, what the Board's practice was in respect of opposed application then; whether this was ever taken to a Court, and if so, what the rulings were. To do that I would need reference to specific cases, dates and times.

MR. PRESIDENT:

Thank you.

I think it is pretty clear and I thank the Attorney General for his examination and advised. It seems to me pretty clear that this is a rather intricate sequence of changes of the Law over quite a long period of time, and that you do have the administrative practice of a Board involved. To the Chair at least, it is sufficiently confusing for me to say that I do not consider a point of privilege has arisen, in that, this could not be said to be an intentional misleading of the House but I think that, having gone into it now very thoroughly, I would like to invite the Mover of the Motion who was in the course of replying, to continue with his speech.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

CONTINUATION OF DEBATE ON PRIVATE MEMBER'S MOTION NO. 4/88

MR. JAMES M. BODDEN: Thank you Mr. President. Before I begin my debate this morning I have seen a little rough box going around here on which some of the Members have been putting their papers to make it easier to see, if that is the property of the House I wonder if I could borrow it?

Mr. President before I really get into the meat of my debate today, I would crave your indulgence for just a minute to see that we agree on time. We are limited to four hours in this House. Yesterday evening I started my debate at 4:05 P.M., the House adjourned at about 4.29 P.M. and I was interrupted for a total of about eight minutes. If I am correct, I only spoke sixteen minutes yesterday, I would like to know if you agree with me.

MR. PRESIDENT:
minutes, did you say fifteen?

I make my calculation slightly different but I make it sixteen

MR. JAMES M. BODDEN:

Sixteen Sir.

MR. PRESIDENT:

I make it sixteen.

MR. JAMES M. BODDEN:

Thank you Sir.

Mr. President, I really appreciate the articulate way that the Second Official Member made a very important point to this House this morning.

During the years 1977 through 1984, it happened that one of my responsibilities in Government was being Chairman of the Liquor Licensing Board. I carried out that duty faithfully as I did every other duty that I was called on to perform.

The First Elected Member raised another point and that was regarding anyone opposing an existing licence. To the best of my recollection, I chaired everyone of those meetings during that period of time. I do not recall any opposition ever coming to the Board on a licence that existed at that time, that was within a quarter of a mile of a church. If the opposition came from anyone based on the point of being within a quarter of a mile of a church, civic centre or school, it was not to my recollection. So, I do not think he has to worry about that part of it.

I do agree that I had raised nothing that would have misled the House, I was dealing with what has actually transpired between the years 1977 until now. It has always been my understanding that it is Government's policy not to take away or infringe on a vested interest held by any individual, and that the view of the Elected Members at that time, the Official Members and certainly that of the Attorney General's Chambers, were that any licence that had been granted previous to the Law coming into effect would be an existing licence provided they did not break any of the other rules in the Liquor Licensing Law and that they would continue with a licence.

I was not the individual to make that interpretation Mr. President, I am only a layman but that was an advice from the Attorney General that was here at that time and the Legal Draftsman. So Sir, if the Members are trying to say that I acted wrongly in anyway in carrying out what should be

done by the Board, it was not my intention to do so. If it can be proven now I was caught with an error of which I was not aware, but I think that the argument can be substantiated that there was nothing wrong in what was done during that time and the point remains that these sanctimonious people did change the Law, which now allows a liquor establishment other than those existing before, to come into effect within a quarter of a mile of a church, school or civic centre. In the case of a school, I do think that it is a very bad policy to licence a liquor establishment within the close confines of a school yard.

I appreciate the point that, in stating her position, was raised by the Third Elected Member for West Bay. I did not in any way intend to be rude to this lady. I usually stop my debates at a point before I get to that, although I cannot say the same for some of the other Members. I am glad that she has made her point. I will say that I visited the restaurant on many occasions; everyone knows that I am a smoker, and I have seen a lot of other people smoke there besides myself. I will compliment the restaurant on one thing - it probably has the best food of any restaurant in Cayman. I do not know whether we can thank a particular person for that. But, I think it is hypocritical to try to differentiate between what money comes in from food and what...

MR. W. McKEEVA BUSH: Mr. President, Standing Order 31, Sir. I think the Member is trying to raise a matter of privilege in his reply.

MR. PRESIDENT: I am afraid I do not quite follow that, I think he is entitled to comment on what is said in the course of his speech.

MR. W. McKEEVA BUSH: Well if you cannot get him on that one certainly, you can get him on repetition because he carried on quite a long time yesterday.

MR. PRESIDENT: Repetition is a matter for the Chair, thank you.

MR. JAMES M. BODDEN: Thank you, Mr. President.
At the fear then Mr. President, of being....

HON. BENSON O. EBANKS: Mr. President, a Point of Order Sir - Standing Order 31 and I call your attention to the last sentence in that which says, "no debate may arise upon a personal explanation". If a personal explanation has been given I do not think that the Member should, in the course of his debate, refer to that personal explanation.

MR. PRESIDENT: Thank you, I am aware of the order and I am aware of what it says. There is not a debate arising, the Member speaking, raised the point by inference yesterday. The personal statement was made in reply. In my opinion, he may comment within reason and not repetitiously on what was said.

MR. JAMES M. BODDEN: Mr. President, I can assure you I will not be repetitious on this point and that it is not a point of privilege. I will however, drop further debate on this ticklish point at this time. But, do not worry the Honourable Member is going to be up many times today.

MR. W. McKEEVA BUSH: I think you are getting too old for that.

MR. JAMES M. BODDEN: No, I am getting younger everyday you do not worry about my age.

MR. W. McKEEVA BUSH: Looks are deceiving.

MR. JAMES M. BODDEN: Well, if it is based on looks, you look a million years old.
Mr. President, the First Elected Member of Executive Council in his reply to the points I had raised on this Motion, made a comment that in Bodden Town if the quarter of mile distance had been carried out, it would have affected many places and that the policy of our Government, that is, the Unity Team Government, between 1977 and 1984 was to allow "speak easys" to open.

No liquor establishment, I can think of, was closed in Bodden Town or none of them would have had to close because of this section of the Law and the interpretation that has been put on it.

The policy of our Government was to control liquor as much as we could. If there were "speak easys" sprouting up around the country, which I imagine there probably is also, that was a point that should have been handled by the Police Department and not be blamed to the politicians in particular. He said the only thing done for Bodden Town was a Civic Centre where you can stand in the front door and spit in a bar room. It is not quite that close but at least, the people of Bodden Town are thankful that they had an administration that could spend some of the people's money in that district and build a beautiful Civic Centre. I speak on behalf of the people of Bodden Town who really are thankful and appreciate this gesture.

I would like to remind the Member at this particular point in my debate that the Civic Centre in Bodden Town was built from surplus funds in the Treasury and the Government of that day did not have to go out and borrow money to build the Civic Centre like what is having to be done in this administration. It was built from surplus money.

I, personally, have always been proud of the district of Bodden Town and I am proud that they have seen fit to elect me for 4 terms to represent them in the Legislative Assembly of this country. I am very thankful to them for that.

I think the Second Elected Member of West Bay alluded to the fact that a Civic Centre had been started by the Unity Team Government in East End and that they, that is, this administration of which he is a part of, had to find \$400,000. to pay for it. Mr. President, if they did find \$400,000 to pay for it during this administration it would either have to be from the reserves that was left over by the Unity Team's Government or they would have had to borrow it.

HON. BENSON O. EBANKS: \$391,000 deficit, where were your reserves?

MR. JAMES M. BODDEN: I do not think we have to get in a debate at this point, I will save that for later as to where the reserves were. I think we are all cognizant of the fact that we have a very capable Financial Secretary and one which I think, we all hold in high esteem. He has repeatedly given the statements on finances in this House as regards to the Unity Team's administration. I do not think we have to belabour the point, we left the money there and we spent the surplus wisely.

The First Elected Member of Executive Council read from a book in his debate, he said it was an English book, I take it to mean that it is...

HON. BENSON O. EBANKS: On a point of order Mr. President, I used no book in the debate on this Motion. I did so in presenting the Drugs Abuse Law.

MR. PRESIDENT: I think perhaps the reference was to yellow jacketed pamphlet which I think I remember seeing. If that is the reference, I think it was in the debate on the Misuse Of Drugs Bill.

MR. JAMES M. BODDEN: Well, I will not allude to it then. Further, Mr. President, he was making the point that it was on the basis of this book, that his policy in regards to drugs - and drugs has been debated in this Motion - is a part, let us say, of this Motion. I apologise if I made my note on it wrongly that he used it in the debate on the Misuse of Drugs Bill, but I will say to him, that if this is the basis on which he is preparing the policy to deal with the drug problem in the Cayman Islands by saying, "make it more available and then the problem will decrease", I think time will prove him completely wrong. I think his policy should be one of curtailment and not one of trying to make it more readily available to the users of this country. If he is following this type of advice, there is reason then to say that we can account for some of the many mistakes that they are making.
To make this statement in this House regard...

HON. BENSON O. EBANKS: Mr. President I wonder if the Member would give way under Standing Order 34(B)? Because he is misquoting a statement which I read from a book, and I would like to explain or give briefly what that statement said. Maybe the Member took insufficient notes.

Basically what I said in respect of the availability of drugs or alcohol was that the reduction in supply did not necessary always, particularly for seasoned users, mean that the use or misuse of drugs or alcohol would go down and that is all; What I pointed out was that what normally took place was what is known as "switching", where people went to more dangerous drugs or concoctions to satisfy their habit or addiction. I did not advocate making the availability of alcohol or drugs more easily that is, by increasing the available or making them obtain it more easily, so he should not impute or misquote me in that way.

MR. PRESIDENT: If I may for a moment, excuse me please. This is a matter which has come up before in relation to Standing Order 34(B). The question is, what the words of the Order actually mean to elucidate some matter raised by the speaking Member as worded in the Standing Orders. This technically does not permit the Interrupting Member to elucidate, although the practice in the House of Commons is exactly that. If a speaking Member says something which appears to misquote or misinterpret, then the Chair permits a Member to interrupt and to explain or elucidate. That is why I permitted it on that occasion and I am grateful to the Member who gave way to permit it.

MR. JAMES M. BODDEN: Mr. President, I do not mind giving way I am prepared to do that all day.

The same Honourable Member that just interrupted me, blamed the Unity Team's administration between 1976 and 1984 for the increase in consumption of drugs in our community because we had instituted such stiff sentences and that they had taken the stiff sentences off. That is a poor excuse to drag into this discussion because a little later in my debate I will quote the different statistics for those twelve years which we are talking about. If the stiff sentences had increased the use of drugs then they made them so lenient that we should have no more of a drug problem at this point. I do not really see the sense in that argument.

He made a remark about the drug rehabilitation programme as to what I had said about it. I do not recall accurately, word for word, what I said; the Hansard can bear me out as to what I said. But a drug rehabilitation programme is needed and I am glad to see that it is being instituted. The point I was making and I am still trying to make is, that we cannot expect the drug user to come in front of the entire community - and let me clarify that Mr. President. At the hospital at any given time probably up until about two o'clock in the morning, there is usually a fair amount of people in the waiting room.

Now I was not aware before of where this counselling was taking place until a couple a nights ago when I visited the hospital and I saw the sign. It is in a little office right next door to the waiting room off of the main passageway leading into the hospital. In my opinion, the point I am trying to make is that the space is not adequate and it is not in an area that is usually going to attract the people to come to it. It is a wise idea to have it in the hospital compound but I think if we are going to go into the rehabilitation of drug users, what we need to do then is to find the money, even if we have to borrow it because I know they do not have it any other way. Let us build a suitable place on the hospital compound to handle this.

HON. BENSON O. EBANKS: We will have that in the new one.

MR. JAMES M. BODDEN: We will be waiting.
I spoke Mr. President, in my original submission of this Motion about a less fortunate family in West Bay and in the debate, it was taken up by both of the Members from West Bay who spoke on this issue. If my recollection is correct, they have assured this House that this problem does not exist.

MR. W. McKEEVA BUSH: On a point of order Mr. President under Standing Order 34(B) if the Member will....

MR. PRESIDENT: I am sorry I could not hear you.

MR. W. McKEEVA BUSH: On a point of order, Standing Order 34(B).

MR. PRESIDENT: Sorry I did not catch the number.

MR. W. McKEEVA BUSH: 34(B).

MR. PRESIDENT: I beg your pardon, do state your point of order.

MR. W. McKEEVA BUSH: Yes, Mr. President, the Member is saying that he raised the point and that we are saying in our debate, that the matter did not exist - we did not say that. I did not say so. I said that the matter existed, that I had the matter in hand, that I had helped and that it is an ongoing thing. So the Member is misleading the House.

MR. PRESIDENT: The Member may reply to that, he gave way to you and therefore he may well reply if he wishes.

MR. JAMES M. BODDEN: Mr. President, this particular case was brought to my attention by a member of the Lions Club of West Bay. It was just a few days ago that it was brought to my attention. I feel very sympathetic and I hate to be debating it in this House in regards to the family - and I was not misleading the House Sir..

MR. W. McKEEVA BUSH: You did. Mr. President on a point of order 34(B), I must say and I must insist that the Member is misleading the House.

The Member raised the point and I referred to the point. My

exact words were, "the Member referred to a situation with a family living in a fowl coop". This case has been an ongoing one for me. The problem is, they do not have any property. I have identified some land and I am in the process of purchasing it. A very community-minded person in West Bay has shown some interest and is going to help with the purchase; so the Member is misleading the House. He knows it.

MR. JAMES M. BODDEN: Mr. President, let us assume I am misleading the House, I will give way to the Member Sir, and ask him to reply to me. Does this situation exist today? Where are the people living? They evidently, according to the information I have received, was living in the fowl coop. Are they still living there, in a condo, a house or something else? Please tell the House.

MR. PRESIDENT: This is most unusual but the point was raised and the speaking Member has invited you to elucidate, please do.

MR. W. McKEEVA BUSH: The Member is trying to throw all sorts of things into the debate to make himself look good Mr. President.

MR. PRESIDENT: Please elucidate.

MR. W. McKEEVA BUSH: I will elucidate, and I can only say what I said then; the Member referred to a situation with a family living in a fowl coop. That was his words. This case has been an ongoing one for me; the problem is that the family does not have any property. I have identified some land and am in the process of purchasing it. A very community-minded person in West Bay has shown some interest and is going to help with the purchase. What more does he want me to say? Besides that, Mr. President, I brought that matter to the floor of this House already and tabled some pictures.

MR. PRESIDENT: Thank you.

MR. JAMES M. BODDEN: Mr. President, I am not trying to mislead the House I am trying to ask this Member who is trying to bring me task that I am wrong; does the lady live in a fowl coop today?

MR. PRESIDENT: At this point I think I must rule that from what the Second Elected Member for West Bay has said, these people must be in that accommodation although steps are been taken to assist them. That is a point of fact so I rule that there is no misleading whatever the discussion and the attempt to make points, that is a matter of fact.

HON. BENSON O. EBANKS: Except that the Member and myself made the point that this housing situation existed from the time the Member was there in 1976 as part of the Government.

MR. PRESIDENT: That point has also been made in that I think, is a matter of fact. So, we now have two matters of fact; nobody is misleading anybody whatever interpretations are put on it is another matter or inferences drawn but these are matters of fact. Would you please proceed?

MR. JAMES M. BODDEN: Mr. President, it may have existed from 1976. I do not live in the district of West Bay and I was not aware of it; but if it existed since 1976 then it existed since 1980. From 1980 to 1984 the First Elected Member of Executive Council happened to have been an Elected Member of the West Bay District, and in regards to what the Second Elected Member of West Bay said about having identified property and was waiting to rectified this problem because of the identification of it, I have also identified property in this House which is owned by Government which was bought by the last administration, and which would be very suitable to do something like this with.

I challenge them today why do they not give the Lions Club a 99 year lease of that land in West Bay which is very good land, and let the Lions Club deal with Government to erect a building on that land where these people and other people similar to them can be put, and remain there as long as they maintain the property and behave themselves. Why do you not do that?

MR. W. McKEEVA BUSH: Why did you not do it?

MR. JAMES M. BODDEN: Why do you not do it?

HON. BENSON O. EBANKS: You know that the land was bought for a playing field and that is the purpose it is being used for.

MR. JAMES M. BODDEN: You have many acres Mr. President. Do not be mislead.

MR. PRESIDENT: Order, I think that the Honourable Member should continue.

MR. W. McKEEVA BUSH: That is all.

MR. JAMES M. BODDEN: You got enough land there for many playing fields.

MR. W. McKEEVA BUSH: They are criticizing and hoping that we do not do anything Mr. President, that is the truth.

MR. JAMES M. BODDEN: Tell you what, I think the records probably bear that out, Mr. President.

While I am on this point Sir, let me touch on them a little bit more. I think it was the First Elected Member to Executive Council in his debate yesterday, who said this particular land which I have just alluded to, had been bought by the Unity Team and we could have bought similar land in West Bay for about half of what we paid for this particular piece of land. He said we paid this money for it because it was purchased from a supporter of ours. These are direct allegations that these people are making as to something that was done wrong in Government. You sit down now I will give way in a minute...

HON. BENSON O. EBANKS: It was not me who made that statement Mr. President.

MR. JAMES M. BODDEN: ...Mr. President I am not going to sit down at this point, I am going to make my point and then I will let him say all that he wants to say.

This particular piece of land was chosen because it was adjacent to and joined other Government property. It is an excellent piece of land and with my experience in the real estate business, I would say that we did not pay a high price for this piece of land. I think the records of the Lands Office could be searched for that time and bear me out. They do not like anyone to touch them on any point, yet he is prepared to come here and allege that we squandered Government's money to buy this land when we could have gotten it for a half of what we paid for it, and pay the other half just because it was purchased from a

supporter of ours. I do not know whether the man was a supporter of ours or not, but the land was bought. Why do they not use it then? Why do they not let somebody use it? Now you can make the point you wanted to make.

MR. W. McKEEVA BUSH: But we are doing that Mr. President; I took the whole day yesterday to explain to the Member what we were doing.

HON. BENSON O. EBANKS: The point I am making is Mr. President, that I did not mentioned anything about the land being bought from a supporter or anybody else. I did make the statement that an equal quantity of land, equally or more suitable for a playing field could have been bought for half of the money but I did not say anything about supporters. That is either a figment of the Member's imagination or a guilty conscience, somebody else introduced it.

MR. JAMES M. BODDEN: Mr. President, I can assure the Member who just spoke that I have no guilty conscience but if we have time, I would ask the House to adjourn and ask that the Hansard be checked to find exactly what this Member said. I am not prepared to do that at this point because I am sure the Hansard would bear me out, as it will, when it comes out.

HON. BENSON O. EBANKS: Mr. President if it does not take too long, I would like to have that section of my speech reread. The only thing that I said about an owner was that the price for the second piece of land was not paid because it happened to belong to the wrong person.

MR. PRESIDENT: I think the best way to deal with this is that I should ask the Clerk to produce the transcript and I will consider it during our usual morning break and then we will see what is necessary. Would the First Elected Member for Bodden Town please proceed with a different section.

MR. JAMES M. BODDEN: Mr. President, if it was not said during the time that he was debating, it must have been said then in the Committee Room but I know a reference was made to it. (LAUGHTER) No, you do not laugh, I will touch you in a minute too, so you wait for that.

Just let me make one point on this before I go any further. To the best of my recollection, about 20 acres of land was bought there, it was bought for other reasons other than for a playing field. We all are experienced people and know the amount of land that is required for a playing field; you do not use 20 acres for the average playing field, so it is of no use trying to draw a red herring across this by saying that this land was specifically bought for just a playing field.

The allegations that have been made on this land in West Bay is quite similar to the allegations that were made on other properties which the Unity Team's administration bought. Just before the 1984 Election, I think I can hear it ringing in my ears now about the land that we had bought to use for the Sewage Scheme, that we had paid so much more money for it and that it was bought because it was from one of our supporters.

I would ask that the records be checked then to find out, because the records has been checked to show what one of the persons who was making that allegation had sold land virtually adjacent to this land for a price at least twice as much as what this land was bought for similar land. Yet this is how irresponsible these people are that they would resort to things of this nature.

But I will say this Mr. President, that it was a good thing that the Unity Team's administration had money to buy the land for the Sewage project, had the ability to begin setting up the Sewage Scheme and to raise the financing for it. Because, if we had to wait for these people to buy the land the only way they would ever have bought it is if they had to borrow the money again. So they probably would not have had the Sewage Scheme in existence today.

MR. W. McKEEVA BUSH: You are getting yourself all mixed up.

MR. JAMES M. BODDEN: You do not worry, I am not going to get mixed up, I am not like you.

I think again Mr. President, that most of the three people who spoke in opposition to the Motion yesterday, brought in certain things in regards to the Labour Law therefore I will not be out of line if I make references to the Labour Law.

My opposition to the Labour Law has been and always will be, that during the Unity Team's administration we requested on many many occasions of the then Attorney General, to draft a Labour Law for presentation to the Legislative Assembly. All we were presented with was the copy of the Antigua Labour Code and I still have it in my possession with the amount of red ink that we drew across it in the sections that could not be acceptable.

Later on, we brought in a trained draftsman from the International Labour Organization (ILO) to draft a Labour Law. Again, it was not completely what we thought was best for the country and with the Election coming up, we did not have time to present it. But, the Labour Law that we have today is a law based on antiquity; it is a Law based on the slave mentality that had existed in the Caribbean islands for the last four to five hundred years, and I will say again today, that I do not believe it will ever properly apply to the Cayman Islands. I am prepared to wait, see and judge the Labour Law by what happens under that Law. Wait until we get down and we try to deal with the problems of the Labour Law.

There was a boast about the 37 Committee meetings and I think 140 hours that they spent in drafting it but let me point out to them today - and I believe that the Honourable Second Official Member is able to clarify what I will say now - they are so smart yet they do not realize that Government itself is going to be caught up under section 5 of the Labour Law. Section 3 of the Labour Law does not let the Labour Law apply to Civil Servants. Section 5 of that Law says that the benefits for the Government's Civil Service must be of the same quality of what is paid by the private sector. Government is not paying overtime in certain departments; the hours are different; and you know...just wait and see, wait till you get caught up under it - you are going to get caught under section 5 of the Labour Law.

MR. W. McKEEVA BUSH: The Member is misleading the House, wasting time hoping the Second Elected Member for Bodden Town gets back in time to second his Motion.

MR. JAMES M. BODDEN: One Member also said that of the 37 meetings I had attended none. That is entirely wrong. One Member I think, also said that I have only been there for 40 minutes or something of that nature. I attended two Committee meetings on the Labour Law and I pointed out many things that I thought was entirely wrong. I think it was only one thing that I did point out that was ultimately changed and that was dealing with sick leave. If I remember correctly, the original proposal that was put before the Committee was for 20 days a year sick leave. I pointed out that with the vacation pay, the sick leave etcetera, the amount of time the employee would be off, the average employer could not afford to pay. I think ultimately, they reduced it to 10 days but I have something more to say on these Committees and the Labour Law as I go forward. I do not want to be ruled repetitious at the point when I bring it out because it is very appropriate.

One Member said that we should have helped with the Social Security Scheme. Mr. President, I take my objection to what was proposed in the Social Security Scheme because I think it is too broad and too cumbersome. It has many inadequacies in it; it cannot properly apply to our

country. The Social Security Scheme that was advocated is strictly modeled after the present system that is in force in the U.K. and, in my opinion, you would tremendously hurt this country if you put that into effect with all of the benefits that can be applied for under that Social Security Scheme.

It is no use of the Member trying to draw a red herring across this one also by saying or trying to say that the reasons why nothing more has been done about the Social Security Scheme is because my colleague from Bodden Town and myself have not helped him with it. Why does he not tell the truth? The main reason is because he cannot sell it to the Civil Service who is one of the largest working bodies in this Island. That is the main reason because they are smart enough to see the inadequacies of this Law.

During our administration we knew something was needed for the older people when they retired. We were aware of that; we brought a consultant from England who prepared a report on the Social Security Scheme. When it was presented to us the 4 Elected Members, we went through it and we decided it could not be applicable to this country. So, we shelved it until we could have a chance to go back to it. I am saying today in this House that the presentation that the Member is trying to put across today on the Social Security Scheme is just about 100 per cent the same as what we turned down, I will say, six years ago. There are no changes and that is why I did not support it then, and I will not support it now.

MR. W. McKEEVA BUSH: How come you are just saying that now?

MR. JAMES M. BODDEN: I have said it for a long time.

MR. W. McKEEVA BUSH: That is not true you have not said it before.

MR. JAMES M. BODDEN: All right.

MR. W. McKEEVA BUSH: Electioneering!

MR. JAMES M. BODDEN: Mr. President, I do not have to electioneer here. There are several systems that can work and benefit the people of this country but the particular system that we are trying to put through is going to hurt the country tremendously.

MR. PRESIDENT: I wonder if we might consider a break here? Before we break I would just like to make one point about interruptions. I think it is perfectly in order for Members to make short remarks while a Member is speaking, this is all part of the give and take but I would be grateful if you do not use the microphones to do that. I do think that is not reasonable and I am not looking at any particular Member when I say this.

Proceedings are suspended for 15 minutes.

AT 11:15 THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:42 P.M.

MR. PRESIDENT: Proceedings are resumed. The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: In speaking on the Motion before the House, the First Elected Member of Executive Council said that he had established a proper criteria for scholarships and that it is four years for everyone who qualified got one. Well, Mr. President, if that is correct then the qualifications must have been placed very high because the financial records from the budget will reveal that less money is being spent on scholarships. I for one have had many complaints from students who wished to go overseas and stumbling blocks were placed in their way one way or the other. Unfortunately, many of those youngsters are still on the island hoping that one day, out of the generosity of the Honourable Member's heart, they might be able to pursue a course of higher education. So it is incorrect for the Member to make statements of this nature in the House. During the Unity Team....

HON. BENSON O. EBANKS: Mr. President, I reiterate that any application that has come before the Education Council in the last 3 1/2 years where the student met the criteria as laid down, has received a scholarship or scholarship and loan assistance. The academic requirement is four "O" Levels, not very high and if we have some people that are running around with less than that waiting on the generosity of my heart, they had better be spending their time going to the Community College to get their 4 "O" Levels.

MR. JAMES M. BODDEN: I am glad the Member has explained himself Mr. President, because I did not know what the criteria is that he has set down. I can only say that I have had a lot of people come to me with complaints and unfortunately, there is no way that I have been able to help them. But I do know that if any of these students are waiting for the generosity of his heart to enable them to pursue a course in higher education, they will be waiting a long, long time.

It is a fact that the training schemes that were helping the youngsters of our community has been abolished by this administration and it is from the youngsters of this country that we must expect the future to evolve. I have said repeatedly we can never expect to build a country if we do not give the youngsters the opportunity to become educated to fill the positions that are becoming available. If we have to continually bring in people from abroad to fill these positions.....

HON. BENSON O. EBANKS: Mr. President, on a point of order the Member must be anticipating another Motion standing in his name dealing with education. I think the time to deal with education in detail is at that time.

MR. PRESIDENT: In detail I think is correct but the fact is that this is a Motion of very wide application and educational matters have been raised in it. I would be grateful if we could try to confine ourselves reasonably.

MR. JAMES M. BODDEN: Mr. President, I will try my best not touch a sore spot anymore. I will do that later but I was only replying to a point that he had made and I have a right to reply to the point he raised; if he had not raised it I would not be debating that point.

HON. BENSON O. EBANKS: Any point I raised Mr. President, was in response to a point made to the Member in his initial presentation. I introduced no new evidence.

MR. PRESIDENT: Please continue.

MR. JAMES M. BODDEN: The same Member Mr. President, in his contribution said that any society is a reflection of his type of leadership, and present conditions of this country can be blamed on the leadership that was offered by the Unity Team. That may not be exactly word for word but that is more or less the

meaning of what the Member said.

Now I will say this to the Member in reply; that if any society is a reflection of its type of leadership, then God help us, God be merciful to us because in the next few years if you are blaming the leadership of the Unity Team who has been out of office for 3 1/2 years that their leadership caused the country to get in the mess it is today, well I pray that Almighty God in all of his benevolence will bestow his blessing on us and look on us mercifully in the years to come. We are going to have a sad state of affairs if the condition in the country is a reflection of the leadership of this administration.

Under the present leadership of this administration this country has gone backward in time thirty years. We are back to the stage before 1969 when we were fortunate to get a change in our Constitution. We are back to a stage where there is no leadership being offered to the country. A house divided against itself cannot stand and the present Elected leadership of this country appears to never be able to come together concretely, on a decision unless it is the presentation of a Bill in this House. I am saying without any fear of contradiction, that our country has retrogressed 30 years in its ability to internally cope with the problems as it is envisaged in the Constitutions which we work under at this time.

We have gone back to the days, literally, of the paper bag Government that is been commonly referred to in this country, where you jumped when somebody say, "you jump" and you only eat if somebody saw fit to give you a day's work in a paper bag. We are back in a similar position to those days. This is a Government of indecision, a Government of doing nothing, a Government of victimization, a Government of scandalizing people. That is the type of leadership that we have at this time.

In his submission the First Elected Member for West Bay, alluding to me, said that I had hired no Caymanians and had trained no Caymanians. From time to time I have probably been one of the largest employers in this country. At one point I had in all of my different businesses about 250 people working for me and when I say the majority, I mean the big percentage majority of those people were Caymanians. I have done like everyone else in this country has done, when it was needed to bring in somebody from abroad with ability that I could not find, I have hired them if I could get a work permit for them. I have done that and I will probably continue to do it. This is an irresponsible statement that the Member has made and if I had been of the metal of him I could have injected at that point and got on my feet.

He constantly tries to degrade every Member of this House who may oppose his view on anything. I do not have to blow my trumpet Sir, but I do not believe in stating the things that I do. Most of the things that I have done for the betterment of this country has been done without it being preached on every street corner, but today I think time has come to mention just some of them.

I am very proud that I was one of the people who initially started the International College of Cayman Islands. I gave the property on which the building stands, gave the money initially to get the building started, and later on set up a scholarship fund out of my own pocket for children which is still going on today although the present First Elected Member of Executive Council whose Portfolio that may fall under, may look on that as being a step child.

That institution has been of tremendous help to this country and what Government should have done a long time ago was to aide it to where it could have survived and would have been a proper reflection as the International College of the Cayman Islands. That is what is needed some financial support. We can look around our society today at many competent young men and young women who had been fortunate enough, who had the tenacity to complete their studies at the International College of the Cayman Islands, and today there are taking their rightful part in this country.

I take great pride in one other fact and that is, that I was one of the prime movers of the Unity Team's Government in seeing the need for getting a Law School started in this country. It has cost Government some money to keep that in existence but it is money well spent. I am proud that I pushed it and it would not be in existence today if I had had to contend with a Member like the First Elected Member of Executive Council because he would not have seen the need for it for our local people.

Again, I was the one who initiated the Bonaventure Boys Home in West Bay, I gave a fair amount of the land value to get that started and I worked hard to get the Boys Home established. I agree, before he can get to his feet, that it was not built during my administration as President of the Rotary Club, but all foundation for it was laid during the time that I was there.

The Pines Retirement Home would probably not be in existence if it had not been that I gave it the support it needed at the time that it really needed it rather than waiting until it had become a completed thing in going there and cutting ribbon and saying I had played my part.

The major amount of training schemes that were becoming available was started and administered by me yet, they have been stopped because that is what we think of the young people growing up in this country today. We believe it is better to bring in an expatriate, pay the housing allowance, pay the gratuity and so forth and so on rather than train our local people.

Scholarships, Mr. President, thank God, I have had the money in the past that I could give scholarships and I have given many of them even to children in this country that I do not know their names. I did it without any strings attached. Today standing on this side of the House, I will bet the next years of my life, whatever it may be, that the present First Elected Member for West Bay cannot point to one school kid in this country that he has given an exercise book to. Yet all he will try to do is to degrade people who has tried to build up this country.

I was the mover Mr. President, for the establishment of Pirates Week which has helped this country tremendously with tourism. It has tended to bring our people together; there is some people that do not like the name but that they can hold to and object. Thank God, that the Second Elected Member of Executive Council, although we may not see eye to eye on many occasions, stood firm that the name could amply apply for the celebrations in this country. I want to remind that Member who says I have never done anything for the Cayman Islands of these things.

I want to further remind him of who started the Million Dollar Fishing Tournament in the Island and the whole entire concept of putting that together. I want him to tell me the good it has done to this country because it has been very beneficial in the growth and development of this country; who masterminded the entire scheme at the Owen Roberts Airport; to put in all the lighting facilities; to put in the VOR/DME. Who lengthened the runway at Owen Roberts Airport? Who lengthen the runway at Cayman Brac's Airport seeing that its going to be needed in the near future? These are some of the things in history that I have left my mark on and I have done. I am still not blowing my trumpet but again, I think it is necessary for somebody to remind the people of this country and this Member in particular. Look at the beautiful airport terminal we have at Owen Robert Airport...

MR. W. McKEEVA BUSH:
Standing Order 36(1) where the debate must be relevant to the matter in question. He is debating capital investment.

Mr. President, on a point of order. I call your attention to

MR. PRESIDENT:

You have made your point of order. You have ask me whether this is relevant. My ruling is that it is. I have already said that this debate, by its very nature, is wide ranging. The nature of the motion is critical of the present Government. The present Government, in one way or another through several Members, has defended itself and raised other points to which the Member is now addressing himself. Would you stand if you wish to make a point of order?

HON. BENSON O. EBANKS: Yes Sir, but on social problems the Member has financial matters and education down as separate Motions; we are discussing social matters.

MR. PRESIDENT: The Chair has ruled. Would you please continue?

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

MR. PRESIDENT: Actually, before you do continue, I would like a moment to address the House.

It is perfectly in order for Members to raise points of order, but one point of order was raised before the suspension under 34(b). I would like to remind the House that 34(b) is not a point of order, it is only an interruption which may only be made if the Member gives way to who is speaking, and the Chair invites the Member who wishes to interrupt. Please continue.

MR. JAMES M. BODDEN: Mr. President, I am only touching on these points because of the wide ranging way of this debate and the amount of accusation that has been thrown at the Unity Team's administration of which I was a part. So to further touch the boil on the First Elected Member of Executive Council, I will ask him to once more view Owen Roberts Airport terminal and say to himself truthfully....

HON. BENSON O. EBANKS: And see the folly in the plans, that is there for everybody to see.

MR. PRESIDENT: I must ask you to stand if you wish to address the House please.

HON. BENSON O. EBANKS: I am not addressing the Chair, Sir.

MR. PRESIDENT: Then do not use the microphone as I ruled earlier, thank you.

HON. BENSON O. EBANKS: I thought that was a request Sir, I did not know it was a ruling.

MR. PRESIDENT: I will formally make it a ruling in that case if it is necessary. Now I would ask you to confine yourself as reasonable as you can to the ambit of the debate.

MR. JAMES M. BODDEN: Yes Sir, I will.
I ask the same Member to look at C.A.L. everytime it flies over our country and say if he can truthfully tell himself that is not a big contribution to the well being of this country. He has expounded in great lengths in the past in this House on the benefits of the Mutual Legal Assistance Treaty. I would ask him if he is at least aware who started the Narcotics Agreement.

MR. PRESIDENT: Now, I really think that is going beyond the ambit of the Motion. Please!

MR. JAMES M. BODDEN: Okay Sir, thank you.
I personally welcomed and thank all areas of the community who come forward in anyway to assist the less fortunate people of our country.

The First Elected Member of Executive Council in his submission, I think, said that the face of Cayman is rapidly changing and customs are changing. That would probably be one of the few things in life that I would ever agree with him on because it is changing. We live in a period of change.

My service to this country has been alluded to by nearly every Member who has spoken on this Motion and in the past therefore I think I have a right to reply to it and I have a right to justify myself. Personally, I am very proud of my service to this country; I am proud that the people of this country has seen fit to let me give my service to this country. I have performed my stewardship fearlessly, devotedly and honestly. I know in many areas that I am impugned and I know in many areas I may be hated but it has never bothered me. I have never been afraid of enemies and although I am a man of short stature I have always walked tall.

I am convinced that I will leave my shadow over this Island for many years and that it will be impossible for many of those who try to degrade me to ever walk in my footsteps. One thing I do not lack Mr. President, and that is the interest in the well being of this country and the people of this country. That is why I have fought for their benefit since 1971 and I will continue as long as the Good Lord gives me the breath of life. This country is me. I love this country I love its people so do not try to degrade me in this House anymore. I know what I have done and it can be justified to anyone in the community. My love for this country consumes me, and that is why I am willing to debate for hours or days; that is why I am willing to do anything within reason, to benefit the people of this country. The First Elected Member of Executive Council said that people must cautiously weigh who they will entrusted the future of this country to.

Mr. President, records will prove that the people of this country saw fit to entrusted the future of this country to the Unity Team's administration from 1976 to 1984, a political team that I was a part of and which has done a tremendous lot of good for this country.

If I have to reflect back to 1976 - we took over one of the most bankrupt society and I am saying bankrupt loosely because I am meaning the social ills, the financial side, the labour position, I am meaning everything when I say this, and thank God when we delivered it in 1984 it was in a sound condition. So, if the people are going to judge and I hope they are going to judge, let them judge who has benefited this country. I am sure that when his administration is weighed the scales will be found to be wanting.

This particular Member, the First Elected Member to Executive Council, has not been content to just ridicule the Unity Team and its supporters, he has gone to great length in this debate to ridicule the performance of my colleague from Bodden Town and myself in regards to our service to this country.

Mr. President, I can put up the service of the Second Elected Member for Bodden Town and that of myself to this country against anyone who has ever stepped foot in this Chamber or anyone that has stepped foot in any Chamber which was used as a Legislative Assembly in the past. They cannot degrade the two of us for our performance for this country.

I am used to the victimization that goes on because of my belief in politics and my belief of what is good for our people. I have suffered this from the time I entered the political arena and I am prepared to suffer it until I die. He is not going to detract from anything I wish to say, or anything I wish to do, I am committed to carrying out my beliefs. I have suffered every police harassment, every intimidation that can be given to a person, I am still here but by God's help I will be here a lot longer. Do not try to ridicule my colleague and myself anymore. I am prepared to go to blows in this House if it becomes necessary.

Someone alluded to my age a while ago; it is a good thing that they did not know me when I was really a young man and I am still a young man. I am proud of my grey hairs because my grey hairs have made me a man - a man that is determine, a man that will stand in the face of any adversity. So, do not think the foolish things you say in this House will ever deter me.

There has never been any nepotism in the Government of the

Unity Team like we have been accused of. No members of our families work for Government. Mr. President, in the United States on television you see many advertisements. Sometimes we see advertisement for instant grits, instant cabbages and so forth but in this Chamber we see instant angels. I am not an angel. I am not an instant angel, I am a human being and I am not a hypocrite. I have never been afraid of my enemies here or abroad. I believe in the survival of the fittest and if they want to test that philosophy of mine anytime, they are welcomed to try it. I do not blow hot and cold. I am a man who believe the road only has two sides to it, never a middle; you are either for or against me and I can be the same with you. I am not going to walk the middle road with any man, I am not like a windmill blowing aimlessly in the storm.

Now I come to the part of my speech where I will reply; but I will not reply at this point to the Honourable Member I will skip that because I would like the person to be here when I am saying what I have to say. I will deal at this point Mr. President, with some of the ridiculous statements that have been made by the Elected Member for North Side, in his deliberation of this Motion. He started out by saying that this Motion is nothing but electioneering.

Everyone in the Cayman Islands know that Jim Bodden does not mind electioneering. I have been to every district in this country or these islands electioneering and I am prepared to go back on the stump tomorrow in any of them; what I am saying hear is, bring to the notice of the people of this country that this present administration has not done their job as they promised the electorate. This same Member went to great lengths in the Committee Room as well as a little on the floor of the House, to ridicule a colleague of mine, Mr. Truman Bodden.

Truman Bodden is a political colleague of mine, he is a friend of mine, he is probably related to me, I believe in him, I think I can trust him and I have no reason to think otherwise. People of this country should be proud to have had a Truman Bodden because he is probably one of the best educated Caymanian that we have. He is a person that has left his mark on this society and will leave it again in the future. It hurts me when people will ridicule a man just because of the simplicity of their ideas. This same Member, the Elected Member for North Side in his submission, ridiculed my colleague and went to great lengths. I am prepared to tell the Members of this House today that after coming to power in 1976, the 4 Elected Member of Executive Council with a few of their supporters who was elected to this House, were standing at the elevator going up in the Administration Building. This same Member who at that time was a civil servant, came by and he said; and I'll give him the opportunity to refute me if I am wrong, "Look at those sons of bitches, now if I had a bomb."

MR. PRESIDENT:

I realize you are quoting but that is unparliamentary language.

MR. JAMES M. BODDEN:

I am sorry Sir, but I was quoting what was said.

We were the Elected leaders of the country at that time. Here was a man in a responsible Government position and those were his words to us. I am not going in to the whys and wherefores of why he left the service; I look on the man as a competent Caymanian, I respect him but he must show respect to the other side also.

I am sure, Mr. President, in your position as Governor of this country and as Head of the Public Service that you are cognizant of the facts why this Member left the Civil Service of this country. I am not here to tear down anybody, I am not here to ridicule, but I believe that if they are going to hit me with the facts, let me reply.

He went on to say that confusion is the only point that the United Team's administration has been capable of putting across. These are not my words they are his. If this country had confusion between 1976 and 1984 it was a funny thing that it was only seen by people similar to him.

He went on to castigate me in regards to my attendance at Committee meetings on the Labour Law. He pointed out that I had only been present for 45 minutes out of 140 hours. First of all, they should have been shamed to admit that it took 140 hours in Committee to bring up the type of legislation that has been enacted and put on our books. I have said before and I say it again, I am of the opinion we are going to run into many pit falls with that particular piece of legislation.

What has happen in this House in the last 3 1/2 years; What is happening today; and what will happen in the next couple of days in this House, will prove my point that there is nothing to be gained by the 3 Elected Members of the Unity Team going to any Committee meetings in this House. It is a foregone conclusion what is going to happen. I spoke about the disunity in Government, they are suppose to be a unified group. We go into the Committee meetings, the few that I have been to, and all we hear is individuals bickering back and forth between the Members of their own group. Nothing can be accomplished and that is why I have not attended. I am going to speak further on this a little later in this deliberation.

This Member went so far yesterday as to say on the floor of this House that the only reason my colleague from Bodden Town and myself come into the Committee Room was to chase the food that is being prepared by the lady who prepares food for the Assembly. Mr. President, I am known to be one that does not chase food. I very seldom eat food at any of my family's homes; I very seldom eat in the Committee Room, and he knows it. If I want something to eat I will go to my home or I will go some place and pay for it. I am not going to be one that is going to be waiting until you have a cocktail party and you throw us a few tidbits. I think that is getting to as low a debate as one can get in this House.

He spoke about my colleague and myself as being incoherent. Mr. President, we may be many things but I will assure you we are not incoherent. I am very sure today that he is hearing everything explicitly as I say it. If there is anyone that has been incoherent, it has been that Member in some of his presentations in this House.

He spoke about the Economic Development Plan as something being very beneficial to this country. He must be reading another version or is capable of reading other things into it that I cannot. I have read the Economic Development Plan and if that is something to boast about, God have mercy on us. I say again and I am not trying to detract from anybody that played a part in the development of that plan; but that plan is basically a civil service plan as to how Government will spend its money for the next five years. I cannot see any political input into it. All I can see in it is that in the year 1990 we will spend \$25,000 to put a fence around a cemetery, we will do this or we will do that. That is not an economic development plan Mr. President, and if they fool themselves into believing it is, we are really headed for trouble.

He made several references to me disparagingly yesterday. One of them was the change that was made in the Constitution and that it was made to help me. Now, if we are going to talk about victimization and intimidation, that particular change that he alluded to was basically after trying to trap me.

I will admit I have travelled extensively and I have been away from the island quite a lot. But, if you are going to put in legislation today to effect something that happened six months ago when a person has no knowledge of what is forthcoming, then you have thrown every concept of English justice out of the window. That kind of thing cannot be done. We debated it here this morning on the merits of it with the Liquor Bill. If the amendment to the Constitution had gone forward the way it was presented by, I think, the First Elected Member for West Bay with his supporters - yes - it would have precluded me from running and that is what they would like to have accomplished. But, only death is going to do that to me Sir; that is the depths that they will sink to. If I travel, I did not use any of his money. I did not use anybody else's money but my own. If I saw fit to travel that is Jim Bodden's personal business. I went to the United States, a place where I do not think he can go to. So, what is wrong?

This same Member said that they have had to overhaul the policies of Government in regards to hiring and training and that our colleague, referring to Truman Bodden who

had been in the administration from 1976 to 1984, had done a lot in discouraging people in the 1970's and 1980's for leaving or joining the civil service of this country. I think that is a very irresponsible statement to have been made. Again, you as the Governor of this country, who is privy to all the records of this country and as Head of the Public Service know that that statement is completely wrong.

Those who left the service during our administration, there were very good reasons for everyone of them to do so and although they may have changed their hiring and training programmes - if they have changed their hiring programmes or policies - it is to bring in more people from abroad, more experts and to spend more money. That they can boast of. They have accomplished that. If it is on the training side, I fail to see where any training has taken place. There might be a few because he was related to somebody else or there were some other good reason that they have sent for a little bit of further training but it is very few. I would give credit to the dedicated civil service that we have but their good performances this administration cannot take the credit for.

I have never promised any person that they could become Governor. Under our Constitution I know that that is more or less precluded, not saying that it could not happen, but the Hansards can be checked. I never said that. I said I would like to see it and I will not take that back. If he thought I was going to take it back, I will not. I would like to see every position in this country filled by a Caymanian if we could do it, but we cannot. That is the points that I am trying to get across; that we must train our youngsters, we must pay attention to what is happening in the country; I am not talking about dethroning you overnight Mr. President, that is not my idea. I wonder why the Member would try to twist something else into the presentation that I made.

During my time in office, I tried very hard to put the point across that the Government should create a pool of qualified people in middle management with a super scale like we did at one time for the police, in order to attract better qualified people into the police force. That was our idea that was not this gentleman's idea. That was an idea that was done by the Unity Team and it bore fruit. Maybe it would bear fruit now if they would listen but we need to create a core of middle management in Government since that is where we are weak. We are good at the top, we are good at the bottom, but the middle management core in Government has always been weak. I tried for eight years to persuade the Government to do something on that.

I verily believe Mr. President, that when we send people abroad and they come back to this country that they should be placed in responsible positions. I do not like to hear that our youngsters who come back from abroad, like I have heard quite a few of them say, "I went off I got a Bachelor of Science degree, I came back to teach and I have been put to answer the telephones at the office". That is a waste of talent, that is hiding your candle under a bushel or something like that the old saying goes Sir, I do not remember it right now, but that is what we are doing, that is what we are telling our people to do and it's wrong.

When our people come back from abroad they should be encouraged to take the higher positions right away not keep them waiting in a dead man's shoes. This particular Member also said that our administration was good at buying land. Yes, Mr. President, I guess we were but let me hasten to point out before anyone may say anything else about that and read something in to it; none of it was ever bought from Jim Bodden, and any land that the Unity Team's administration bought, we bought it and we paid cash out of Government's funds for it. Funds that have been earned during our administration and there was surplus money. This administration will never be able to claim that.

He went on about the public beaches - I think a reference was made about them. Yes, Mr. President, the public beach in North Side that they have today was secured during the Unity Team's administration. The four acres roughly at Rum Point was secured during the Unity Team's administration. I am proud of those facts. This particular Member again, spoke of a potential candidate's behavior in the district of North Side and that it only could embarrass the people of North Side or maybe, the country. I may have it wrong.

I do not know the particular case he is alluding to but if he is talking about accusing someone of electioneering, then he must have laid his platform before the people yesterday. If it is any embarrassment to be caused to the people I would say that the embarrassment would be in some of the debates that this particular Member has made in this House in the last four years. If we could buy this Member for what he is worth and sell him for what he thinks he knows, then we could pay off the United States' national debt.

The previous Member who sat in this House from North Side probably cannot boast of the qualifications that this Member can. That may be true but if nothing else instead of trying to ridicule that gentleman, he should have respect for the 32 years that he sat in this House under the adverse conditions years ago I think, for fifty cents a day. How can you ridicule a man who has gone through life giving 32 years to his country? How can you ridicule? Do you not have any respect at all for age? Then, these are the people that are trying to tell us that they are the geniuses that must lead our country? No, Mr. President.

One Member in this House - I think it was during the last Session, made this statement and at the point I knew he was probably alluding to my colleague from Bodden Town and myself because we had taken part in a debate said, "wise men talk because they have something to say, fools because they have to say something". I can only say that this would have to be attributed to the Member when he made such scathing remarks against a man who has stood in this House, maybe not in this House but the other Houses, for 32 years of his life.

Another point that I would like to make before I digress from this is that I am very pleased to see the foundation known as Cayman Against Substance Abuse (CASA) being formed. I take my hats off to the people who have done it, I do not know any details about it but those people are recognizing a problem and they are willing to give their time to help the people of this country. It is something that we should all support. But I would wonder, why in the great length of the deliberation given by this particular Member yesterday, that he forgot to mention Mrs. Edna Moyle who I understand, was also one of the founding members of this society, or is it because by doing so, he thought he might lend a little bit of stature to her candidacy in the upcoming electioneering? How can we be so unfair?

It has been said by this particular Member that during our administration we did nothing. Mr. President, our administration, just to mention a few, bought the land at the Savannah Primary School and built the first play field that was ever built there; we bought land at the Bodden Primary School and built a play field; we bought the land for a play field in East End and we cleared it; we bought land for cemeteries in nearly every district of this island; we bought the land adjacent to the West Bay Primary School on which so much has been said in this deliberation. We built the track and play field at the Middle School; we built the entire Middle School complex without borrowing any money; we bought land in North Side for a play field, and as I said previously, we secured the beach areas and the four acres or so at Rum Point for the North Side district. How can he honestly look people in the face today and say that nothing has been done, and it is only since their administration has been in power that something has been done?

We bought additional land in Bodden Town for a play field; the Cayman Brac's sports field was improved; in George Town we bought the land for the boat ramp and the adjacent land which is now being used as a fish market; we built the Civil Centre in Cayman Brac and I could go on and on. Yet, irresponsible people are prepared to come here and make the statements that they have made. Mr. President, I cannot listen to those statements without refuting them.

I was a Member of the Unity Team, I will always be a Member of the Unity Team as long as I remain in politics. It is up to the people of the Cayman Islands to rally around and give us the support to cleanse this House as if epsom salts or caster oil was being used. Yes, Mr. President, it is time that we cleanse it, and I am hopeful that it will be done shortly. I have never abused my position in this House nor have I abused it while I served this Government as an Elected Member of Executive Council. One thing that I have

always done - I have stood firm as the rock of Gibraltar to my belief, never bending unless you could really put forward a good argument to convince me that my opinion was wrong. If I was proven wrong, then I would agree with you, but I am not going to bend to every whim and fancy that people may have. I have never been an extension cord in this House to no one. I have never been an extension cord to anyone in my life; and as was said by Member this morning referring to my age, I am getting too old to begin to learn new tactics now. These grey hairs that I now have, have taught me a lot.

I took an oath to serve my people and to serve them faithfully. That I know I have done. I speak freely of the problems and occurrences in this country as I see them, and when I speak of them in this House, I am speaking factually. I am speaking accurately. If there is anything wrong in it, it may be the opinion that I put to it, but I never come here and open my mouth to say anything unless I know it is factually and accurate.

Usually what I will say in this House is words of warning, and words of wisdom if they would take them, but they prefer to attack a person's reputation, character, intimidate and victimise them, this is all we get. I will stand by what I believe in and what I say without any apologies to anyone.

One Member has said that I would not dare to speak as I speak outside of the House. I think that Member knows me better than that. You may kill me but you cannot usually make hamburger meat out of me because I am too old. It will be tough. So, why should I worry? I will say anything that I feel is correct if you have a gun to my head, I am that foolish maybe, but that is the type of person I am. Now, it does not mean that I will not embrace you the next minute and say let us forget it, but at that particular point in time, it takes the Good Lord to sway me; it is not the size of any individual be they 240 pounds or 110 pounds, it does not bother me.

The hard knocks in life I have seen Mr. President, I have taken them and I have given them and I am very much looking forward to being able to give some more and take some more. I am not to be intimidated.

If you would like, I am getting a bit thirsty I would ask you to let me break now and I will come back and keep you busy until about 8 o'clock tonight. Thank you Sir, if you will.

MR. PRESIDENT: Please be seated. I make that 12:45 p.m. I think it is convenient to break now. We will suspended until 2:15 p.m.

AT 12:45 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:24 P.M.

MR. PRESIDENT: Proceedings are resumed. When we suspended at 12.45 p.m. the First Elected Member for Bodden Town was speaking. If I may intervene for a moment.

Earlier on in his speech this morning he raised a point in regard to something which had been said by the Honourable First Elected Member of Executive Council in regard to the purchase of a piece of land by the Government in West Bay. Since then, the Acting Clerk has most efficiently provided a transcript of the passage concerned and a copy has been given to both Members. I think you have both received this?

HON. BENSON O. EBANKS: Yes Sir, I received my copy.

MR. PRESIDENT: Thank you, well having studied.....

MR. JAMES M. BODDEN: No Sir, I have not received mine.

MR. PRESIDENT: You have not? It should be a piece of paper rather like this. However if I may....it is a very short reference...do you have it? The passage is sidelined. It is about the last paragraph or two from the bottom of the page.

Now, I think that there may be a possible ambiguity here but since the First Elected Member of Executive stated clearly when he intervened that he did not intend this to have the meaning or the inference which the First Elected Member for Bodden Town drew from it, I think the point is being clarified and I think we may leave the matter there.

You have clarified what you meant by it and that it did not mean what was inferred by the First Elected Member for Bodden Town.

HON. BENSON O. EBANKS: Mr. President if you are inviting me to speak Sir.....

MR. PRESIDENT: No, I am not actually, but if you wish to you may.

HON. BENSON O. EBANKS: Well I think that for the sake of the records, since the Member challenged me to produce the Hansard I think that it should be read into the Minutes exactly what was said at that time.

MR. PRESIDENT: In that case if the First Elected Member for Bodden Town would give way I will do that. I will amplify the ruling.

What was said, was said at appropriately 4 o'clock on the 21st April by the Honourable the First Elected Member of Executive Council and in the course of talking about a piece of land behind the Town Hall in West Bay he said, and this is the direct quotation:

"Now Mr. President, I only have one problem about that land and that is, that he is quite right that they payed about, I think it was \$300,000 for the total purchase of the land, but they could have gotten an equal amount of land which was probably better suited for playing fields for \$150,000."

Now the next sentence is the sentence which is under discussion.

"It just so happen that the wrong person owned it."

Now the First Elected Member for Bodden Town inferred from this the suggestion that the purchase of the land, actually purchased by the Government, had had something to do with political connections. I will now give my ruling.

I have considered the statement, I have considered the inference drawn, I considered that there is a possible ambiguity but, because the First Elected Member for Executive Council rose and stated clearly that it was not intended to have that meaning or inference, the point has

been clarified. That inference cannot, I think, be drawn from it although there is ambiguity. I think we should leave the matter there. Thank you.

Would you please proceed?

MR. JAMES M. BODDEN:
there.

Mr. President, I accept your ruling although the inference was there.

MR. PRESIDENT:

I am sorry I must ask you to withdraw that remark. I have said quite clearly, that although there may be ambiguity, I do not think the inference could be drawn and that the First Elected Member of Executive Council made it clear that he did not so intend; so I must ask you to proceed now.

MR. JAMES M. BODDEN:

I will withdraw it, Sir.

Mr. President, fellow Members I hate to see a vacant chair in this Assembly this evening because I had broken my speech earlier hoping that a certain Member would be here when I deal with what he had to say about the Motion. However, I hope he will hear it on the radio tonight, that he will be keenly glued to it, and that he would avidly read the Hansard to see what I have to say in reply.

The Second Elected Member for West Bay made the statement in his delivery that teachers could not open their mouths for fear of losing their jobs during the years 1976 to 1984. I do not need to speak that much on that statement knowing how irresponsible it is. But it does not surprise me when words like these are uttered by Judases. We have read the Bible and we know what happened to the Good Lord at the Last Supper. So, these words do not really alarm me but I think we should for a minute, clarify some of this.

I have no knowledge at all of what could be meant by what was said, but we are all aware that at least 85 per cent of Government's teachers are expatriates. All of these are on Government contracts which mean that if you terminate their services before the contract is due then Government has to pay the balance of that contract period. As the Governor of this country and as Head of the Public Service, you would know by checking the records that none of this took place during the years 1976 to 1984.

If there was victimization of teachers, I can only say that it has probably happened during this administration. When I read the articles that has been in the press concerning, I think his name is Mr. Williamson the principal of the High School - and I understand that he is leaving. I do not know for what reasons he is leaving whether it is victimization or whether the contract is up but the Member should have been more careful in his deliberation, than to say something like this.

If there is victimization Mr. President, it probably happens in the case when the Parent Teachers Association raise money to try to give the students a little comfort by buying an air-conditioning unit for the Study Hall and they were told by the Honourable Member they could not except the gift because Government does not have the money to pay for the electricity. Now that might be where the victimization comes in and this Member has become deluded as to whether it is happening now or it happened during 1976 to 1984.

He also went on to make the ridiculous statement to compare the records of 1976 to 1984 when kids were using drugs and nothing reported in the newspapers. Well Sir, we have been told that we do not have a drug problem with regards to kids using the drugs at the school. If they are not using it now then the statistic that I will quote in a few minutes will show the alarming increase in drugs. Why then were they using it in the years 1976 to 1984? If there was a case of it being used in 1976 to 1984 and the papers did not report it, you must bear in mind that at that time, we had more than one newspaper operating in this country. The big supporter of the present Elected Government happened to have been a ridiculous scandal sheet which was published by people from Bodden Town from the support rendered to them by various people of this Elected Government.

If they did not report it, then there must not have been any use of drugs in the schools between 1976 and 1984. This particular scandal sheet told every lie that could be told so this surprises me that this was not reported if the Member had evidence of such a thing happening.

He went on again to make the irresponsible statement that reports of 1976 to 1984 were tampered and fiddle with by the Government of the day. Well, I think we all should know that most reports that are prepared by Government, are prepared by the civil service arm of Government or by experts that are brought in. I may accuse their experts of misleading them in the direction that they are supposed to take from the reports, but I would not be irresponsible enough to say that they have guided them as to what they should say. We must get this thing into perspective, we are not suppose to say anything against the present Government of this country, we must be muzzled. What we are saying are factual. Then, deal with the factual things between 1976 and 1984 and not continue to make these irresponsible statements.

He also said that I, in my submission, should have gone back further than 1976; that the country had a drug problem but previous administration, meaning I think, the administration of which I was a part of, did nothing to rectify it but only things to compound the problem. I know that this Member can be irresponsible when it come to the things that are said in this House, but I cannot believe that he could be this irresponsible, knowing my stand over the many years in this country on the drug situation, and knowing the standard that has been taken by my colleagues of the Unity Team, that he would make this statement.

The records can prove me out that during the years 1976 to 1984 although the drug problem was not as bad as it is today, we did very thing within our means to try to come to grips with it. Some of the Members of the Unity Team including myself, have spent much of their own money in trying in bring these problems to light. So, this is a ridiculous statement to make in this House.

Yes, I hate to say it but we have had a drug problem for many years but it is getting worse. That is the point I am trying to make. We cannot hide our heads like ostriches in the sand any longer, the problem is there; let us get together try to solved it and help our people. If not, in the years to come we will have nothing but a generation of zombies - that is where we are headed. The kids who become addicted to drugs cannot be expected to be leaders of the community and it is incumbent on this Government to do something about the problem.

As I go on in my presentation I will bring out the reports, I will bring out the figures that they have brought to this House, I will deal with each one of them, and I will prove my point without a doubt that there is a serious drug problem. It is affecting our community and we must not brush it under the carpet any longer.

He also made the very irresponsible statement that Government figures or statistics in election years during the years 1976 to 1984 had been tampered with to show a decrease in the number of drug cases in the election years 1980 and 1984. From the Police Report it shows that in 1980 there were 156 cases I think, of drugs reported. In 1984 there were 108. Well, I am glad to see it has decreased. He should be proud to see there was a decrease. I can assure him that it was no Member of the Unity Team's administration that in anyway tampered with those results. Those results came out from the office of the Commissioner of Police of the day and although they victimised the man, I still hold him with deep respect as I would do at the present time.

It would be like me getting up into the House here and saying the figures that have been given by the Commissioner of Police since 1984 is misleading and that the present administration has helped him to tamper with those figures. If I believed that then I should have no reason to be in this House and be a part of the Elected Government of this country because I would be very deluded and I do not think I could give any type of leadership in this House that would be worthwhile for the people of this country.

He went on to say about all the things we had done to tear his name up and the victimization...Mr. President, there was no victimization from my colleagues and myself of the Elected Government of 1976 to 1984 in regards to this Member. This Member was used as an extension cord by the First Elected Member of Executive Council and he went out irresponsibly as he could throughout the community spouting his mouth off with all kinds of things that were said. My colleague and myself took it to Court, the record is into the Court; the man lost his case, and the Judge made a ruling.

It is out of the generosity of this idiot here that is speaking, that the man was not brought to task because I know what victimization feels like. When the man came to me I said to him, "Forget it. Wait, take your time, and pay it in small installments as you can." I went back to my other three colleagues and I begged them to take that same stand with me. That is the victimization! I wonder, if the shoe had been reversed what would have been done to Jim Bodden? I can well imagine. There was no victimization of this man.

First of all Mr. President, before any action was ever taken, we offered him the chance to admit that he was wrong and put a public apology in the paper and the man refused. Now that would have cost him maybe \$10 or \$15. I do not know what the advertising cost is but that is how lenient we were. I just want to clear this up today. I did not bring this issue up on the floor of the House, but I wanted it cleared today and I want it cleared with no point on it that can be brought up again. If it is brought up again I will reply to it in greater detail than I did today.

I do not believe in victimizing people. People in this country may say anything they want about me and I do not care but that is one quality I do not possess. I wish to God every night I go to my bed that I had it in me to do it. I know what it feels like to be victimized. I know but I do not believe in doing it to any fellow human being whether he is my supposed enemy or what he is.

Enmity is a bad thing for any human being to hold in his body, I may die of cancer one of these days but it will not be from hate and it will not be from enmity causing it because that is not a part of my makeup. This same Member, what is wrong with him and why he thinks he is victimized is because the First Elected Member and the Lawrences from Bodden Town rode him as a jackass for years. That is why he thinks he is being victimized. He is being victimized by his own people not by the members of the Unity Team.

This same Member went on to say that we must examine the 1976 to 1984 Police Report and determine the amount of murders that took place; that there were 13 unsolved murders during this period of time and that one case has now apparently been solved by this administration and is before the courts. To mention that, I think first of all, that this particular matter is sub judice. Mr. President, we brought in a team of people to check on these unsolved murders. At that time, we the four Elected Members of Executive Council, was fully cognizant of all the facts surrounding that. We knew it was going to be done, we knew the ones that were going to be put on that list, we did not stand by and say, "Oh something is going to be done and none of us knows anything about it."

If we had done that Sir, then we could have been considered an Irresponsible Government. When you are in Government at the head of the helm, you are supposed to know everything that is going on in your country. If you are not there, then you are derelict in your position. It is a dereliction of duty.

Since he has brought this to the floor of the House I will ask, what is being done then about the two missing people that had disappeared off the face of the earth and is unaccounted for in the Cayman community?

He went on to make another irresponsible statement that in the years 1976 to 1984 there had been a total disregard for Law and Order and no comment for social betterment. Later on in my debate I will prove that wrong. I will read some of the things that was done with regards to social betterment. But, for a Member of this House to try to castigate a previous administration by saying that in the years 1976 to 1984 there was a total disregard for law and order in this country, is entirely irresponsible and ridiculous. If there had not been law and order and respect for it in this community this country could never have prospered the way it did in those years.

I heard some Member make a statement here yesterday that during the years 1976 to 1984, that investors and the financial community had no faith in the Government of the day and that is why they would not invest in this territory. Well, in 1977 the revenue of this country was \$11.8 million and eight years later, it was \$55.3 million or 365.6 per cent in eight years. So, if people had not had faith in the Government of the day, how could it have increased the prosperity of this country the way it was increased? I challenge their records for four years and see what percentage of increase we are going to have. They have put a lot of taxation on everything else and still they cannot balance a budget.

I have checked the Police Reports and I will have to agree with the authenticity of those Reports. It reveals to me that in the years 1986 there were four murders committed in this country; 1987 two, in 1985 one, in 1987 four attempted murders, 1985 one manslaughter. Well, that is about twelve in a period of three years and he is here blaming our administration because there were thirteen in eight years. Let us be fair about this...well if you solved any its because the people probably admitted to it. I would like to go further on the Police Report, and I am going to deal now with the drug cases that have been reported.

In 1976 we had 46 drugs cases which yielded \$437,000 worth of confiscated drugs. In 1977, fifty-five cases that yielded \$5,365,000 - these are all Cayman Islands dollars not Jamaican. In 1978, there were 98 cases with a street value of \$1.4 million. In 1979, 120 cases with approximately \$1.1 million of confiscated drugs. In 1980, 69 cases with a approximately \$19 million. In 1981, 139 cases with approximately \$1.7 million plus the confiscation of two cars, two cycles and three boats. In the year 1982, 140 drugs cases with a value of C\$10 million with three boats and two airplanes confiscated. In 1983, 159 cases with \$26 million in value of drugs seized, two boats confiscated, and two cars. And in 1984, there were 108 drug cases in this country.

Apparently, the Police Report at that point, stopped giving the statistics on the amount of drugs that were seized, since I find no information in the 1984 and 1985 Police Reports as to its value. In 1985 there were a 178 drug cases again, no value placed on it; 1986, 568 drug cases, again, no value; and 1987, 835 drug cases.

This is the alarming increase that I am talking about. These are statistics that I accept as valid because I am convinced and know, within any percentage of doubt, that the 1984 figures are correct, I had faith in the Commissioners of the time that they would allow no politician to tamper with those figures as well as I, at the present time, accept the figures from 1984 as being accurate because I believe the Commissioner of Police would not have allowed the present Elected Members of Government to tamper with those figures. These are facts and we have to accept them.

This is a major problem, a huge problem and it is incumbent on Government to try to solve them. As I have said repeatedly in this House, it is no use of us going after the leaves on the trees, we must get the trunk. In 1987, there was 3,671 cases overall handled by the police compared to 2,526 in 1984. These are cases of great magnitude which represent about a 40 per cent increase in the last three years or about one in every six people in our community.

According to the Police Report, approximately one person out of every six has had some type of driving offence some type of conviction for drugs or something else. That is the alarming statistic that we must present to the people of this country. A statistic that can no longer be brushed under the carpet regardless of where the fault lies. We must find out where it lay. We must deal with it.

HON. BENSON O. EBANKS:
34(b), Sir?

I wonder if the Member will give way under Standing Order

MR. JAMES M. BODDEN:

Mr. President, anytime.

HON. BENSON O. EBANKS:

Not to distract the Member, but to prove the point that I made yesterday that statistics can be used in any way. Obviously, the Member is relating the number of cases to the population of the Cayman Islands and is saying that one in six people in the country has been convicted of a drug offence. I quoted statistics on the prisoner population yesterday which proves that the number of persons convicted or serving sentences in Northward Prison who are Caymanians, represent less than 50 per cent of the people convicted. Thank you, Sir.

MR. JAMES M. BODDEN:

Mr. President, I cannot believe that the Member could draw that conclusion from what I said. I will not ask for the Minutes to be read in the House. But, I stated categorically, that this was 3,671 cases of all sorts relating from driving offences to drug convictions and to murder. I did not state that it was 3,671 for drugs. God have mercy on us if we ever get to that point, although under the Member's administration we might.

MR. PRESIDENT:

I think the Honourable Members appear somewhat at cross purposes. Would you please go forward?

MR. JAMES M. BODDEN:

Yes, Sir, I will. The Second Elected Member for West Bay in his deliberations said, let us look at the big crooks of 1976 - 1984 who went free and laughed at government. People and boats get in the way and no passports taken. There may have been isolated cases of this nature, I have to admit that I am not that conversant with everything what went on in that period to remember it now. I could check the records if I had the time. But the point that I wish to make on this Mr. President, is that if somebody went free because their passport was not taken from them, then that was something that happened in the Courts which we as Elected Members have no control of.

Once a case goes before the Judge and the Judge has decided, in his discretion, how to handle that particular matter, not even you as Governor of this country is supposed to be involved in any way to direct what the Court may or may not do. So, this is being completely irresponsible to try to put allegations like this against any Member who may oppose their views.

The Second Elected Member for West Bay also made the same statement that in 1976 - 1984 the Government was not interested in bringing drug dealers to justice. Please, Mr. President, let us check the Court's records, I have already revealed some of the statistics. Let us find out when the big drug kings were brought to justice if it was not in the period of 1976 - 1984.

I know, because I put my own life maybe in jeopardy to do it. Do not tell us that kind of ridiculous nonsense in this House, the people out there on the streets know differently. He should be ashamed of himself to try to impugn the integrity of any Member of this House by making such an irrational statement.

He also made the statement that people active in drugs and politics in West Bay are carrying on business and nothing is being done. Mr. President, if there was a member of the Unity Team's administration at which he threw this, that would have been guilty of this, he would have been brought to justice like anyone else. This is the dirtiest of politics to try to cast aspersions on the people who may contest the elected seats in West Bay at this time.

What he should have said to this House and to the people at large is, that the biggest king pin of all in the drug business, according to reports from West Bay, financed the last election on their side and he will not be here this time to finance it. That is what he should have told the House and not try to accuse any Member of the Unity Team as being involved in the drug business and no one bringing them to justice.

Really, it is ridiculous to think that a Member can have this type of vivid imagination. I am sure that came from prodding by the First Elected Member for West Bay. One day in the near future, those of us who may drive on the West Bay Road will probably see a statue of a man riding a jackass and we will not have to question who it will denote.

Mr. President, I will go back and I am not trying to digress, but I would like to go back to the Police Reports again for just one minute. In 1978, in researching the Police Reports, I find the report on one murder. Where the other 13 come in or whether these that I am going to mention is a part of the 13, I really do not comprehend it at this point. In 1980 I find none, 1979 I found none, 1984 I found one, 1982 I found one, I found none in 1983 and none in 1984. Now, unless I am reading those reports wrongly, that is the murders that were dealt with by the police or considered to be dealt with by the police during the years 1976 - 1984.

The Member also went on to state that \$40,000 had been voted for Bodden Town's play field on the land which the Unity Team administration bought; that it had been given to us and we had done nothing about it. Everyone knows how government works, you meet in the Finance Committee, you approve or disapprove the parts of the budget that are brought to the House, the money, if voted, is then given to the portfolio to spend. The Serving Member on this side of the House can prod to see that it was spent but there is nothing that you can do to see about the expenditure of it or to get it expended.

I remember going back to 1973 in this very House when my colleague from Bodden Town and myself saw the necessity for a Civic Centre to be built in Breakers. Money was voted in 1973 for that and nothing was ever done. The Civic Centre in Breakers was not built until during the Unity Team's administration in 1976 - 1984. So, do not try to mislead the people of this country by telling them that the money was voted and my colleague and myself did not spend it; we would have spent it - although it was a pittance - if we had been able to spend it for the benefit of our people.

The First Elected Member of Executive Council, under whose portfolio this comes, out of the benevolence of his heart, could not see it that way and the money was not spent. He went on to criticise the Housing Programme for the middle income bracket and he said - I must imagine that in saying "they", he meant the Elected Government as well as the backbenchers who supported his view - were taking care of the rest.

Now Mr. President, this is the height of irresponsibility. What are they taking care of? I think I have heard that the Rotary Club, at the insistence of the Second Elected Member of George Town, helped to get a home built in the George Town district for a needy family. I do not know of anything else that had been done in my district. I do not know of anything being done in any of the other districts.

I brought a case to this House which pinpoints a problem in his own district and nothing apparently is being done about it. Then, why tell us that they are taking care of it? How can they take care of the man who wants to finance a \$.5 million home? They cannot do anything about it if the person having the worth in the bank agrees with him. How are they taking care of the low income? Do we see any type of housing to alleviate that social problem? Then he tells us the one he is talking about that they are taking care of is in the middle income bracket. Tell us how many homes has been financed under the Housing Development Corporation since 1984.

I was the instigator of the Housing Development Corporation because of my social conscience and we were getting something done. I agree with you, it was like pulling teeth but we got some money in there and we helped to alleviate the problems in certain areas. But again, like so many

other things with this present administration, that has been swept under the carpet with the philosophy, see no evil, hear no evil, speak no evil. We have a problem with housing. I cannot tell you that I have any solution for it but I am willing to work with anyone in an attempt to find a solution to it.

If we do not attend to the housing problem in this country, we are going to have a mounting social problem. The Hansards will bear me out that I have spoken on this particular subject many times and volumes and volumes have been said. When you expect three generations of a family to live under the same roof with the prosperity that is evident in this country, you are building like you would do with yeast. It is building and building until it gets too large for you to do anything about it. It is too late to put the cover over the bowl of dough when it has already gone over the sides.

He went on to say that our administration did not get the money because investors and financial institutions had no faith in us. The records which has been tabled in this House alone proves him wrong on that statement because we did get some money. I agree as I said before, that it was like pulling teeth but what have they gotten since that?

If the investors and the financial institutions had so much faith in this present administration then the cup would be overflowing and we would have all the money that we need to deal with this problem. I would not have to be standing on my old feet with my grey hairs today in difference to my colleague over here on my left, to debate this issue. Maybe, the answer lies in the fact that the financial institutions or none else could run rough shod over the 1976 - 1984 administration. We were a government, we accepted that responsibility and we acted in the best interest of the community.

Be he king, queen or whatever he was, we carried out our duties as we saw fit and no financial institution was going to dictate what we were going to do. We did not have to run to offices of W.S. Walker & Company to get our information or advice as to what we could or could not do. We did not have to do that. I agree that in the Committee Stages of that Bill, that in trying to formulate the policies to guide the Housing Development Corporation, I established a Committee which comprised of several bankers. They were the ones to set the guidelines, do the studies and so on. I will admit, that they dragged it out too long. But at least, we did get it in operation.

I wish at this point to touch on one of the reasons which governs the attendance at Committee meetings of my colleague from the political capital of Bodden Town and myself. Very early after the last Election, we found out the manner in which we were dealt with in the Committee Room, we wasted our time and again referring to what was said about my age, at this time then, I do not wish to waste any time. So I have kept away from many of the Committee meetings. But Mr. President, I want to tell the people of this House and the country today about three particular Committee Meetings that I, Jim Bodden, attended.

I attended a Committee meeting, I do not remember exactly the reason for which it was called, whether it was the Labour Bill in this particular instance or which one it was. I think it was the one dealing with the high water marks. Discussion ensued, and what I am saying here, Mr. President, is not completely new because a point has already been made where this has been spoken in this House and is recorded in the Hansard, I just want to reveal the exact truth about those three committee meetings and why Jim Bodden very seldom attend those committee meetings.

Just after we got into the meeting that morning, discussion ensued - I was the only Unity Team Member present. There was discussion after discussion on your predecessor, whom I personally did not like and admitted that I did not like - and he probably did not like me. However, the point is that not one of these Members here liked him any better than I, but they did not have the fortitude to voice it - except in a closed committee room.

Discussion after discussion went on as to what this man was doing, and this, that and the other. I pointed out to them that if this was happening it was their fault because under the Constitution they had a remedy to it. It went on that we began to discuss constitutional change. One Honourable Member of your Executive Council chaired that meeting and the minutes were kept by him. The Clerk of this staff was not called in as it was supposed to be in private.

I contacted my other two colleagues and they said, "Jim, do not be foolish enough to go in there because they are going to use it against you. We do not trust them and will not go." I said that may be so, but that I think that something needed to be done and I was willing to bear the brunt and go in.

I went in to the meeting Mr. President. We discussed the various constitutional changes. I made the statement then, and I make it today, that I would forget political differences, I would join hand-in-hand with them and I would go on platforms throughout the country with them stating my belief as their belief and that a constitutional change was needed. I was assured that they would accept my hand of friendship to that extent.

I had many books on constitutions of nearly every territory which is still a part of the British Empire. I presented one on the British Virgin Islands which is just a little step ahead of us which, in my opinion, is the best way for us to go. We struck out parts and added parts and came up with something that the Members who were there (with the exception of the Member for East End and my colleague from Bodden Town), basically accepted to move a motion on. It was agreed that the Honourable First Elected Member would move it and that I would second it.

HON. BENSON O. EBANKS:

Standing Order 34(b)? ... he has taken his seat Sir,

Mr. President, I wonder if the Member would give way under your permission?

my hand and I would like to make a few observations here.

Mr. President, the Member will notice an amended document in

Reference was made to the elected membership and so on. I also hold a copy of the minutes of the meeting that he refers to which was held on 25th August, 1986, and if you read these minutes, Mr. President, you will see that I was not present at that meeting. So nobody could depute me to move anything.

Now, there was another meeting on 27th August, 1986 which I attended, and presented to me at that meeting was the draft of a resolution which I would like to read:

"WHEREAS the present Constitution has been in operation for 14 years;

AND WHEREAS because of the significant and rapid growth and development experienced in these Islands during those 14 years, the present system of Government no longer lends itself to efficient administration;

BE IT THEREFORE RESOLVED THAT we, the undersigned Members of the Legislative Assembly of the Cayman Islands, undertake to review and examine the present system of government and recommend to the general public any constitutional amendments deemed necessary to meet the wishes of Members."

Now, Mr. President, when that was handed to me I said that I would have no part of it, but that I would go along with the motion if it was amended in this fashion:

"WHEREAS the present Constitution has been in operation for 14 years;

AND WHEREAS because of the significant and rapid growth and development experienced in these Islands during those 14 years, it considered desirable to examine the Constitution with a view to determining whether changes are necessary therein"

In other words no predetermined position ...

"BE IT THEREFORE RESOLVED THAT we, the undersigned Members of the Legislative Assembly of the Cayman Islands, undertake to review and examine the present system of government and recommend to the general public any constitutional amendments deemed necessary to meet the needs of the Cayman Islands."...

... not to satisfy the wishes of Members.

I just wanted to make it clear, Mr. President, that I did not attend the first meeting and that the amended version of this resolution is in my handwriting. I am prepared to sit down with any Member, any day, and examine the Constitution and if I consider that amendments are necessary, that we agree with those amendments, but that we take it to the people because it is good for the Cayman Islands - not good for individual Members or collective Members of the Legislative Assembly.

I will stand on that but I will not have the country misled as to what might have been discussed. I only have the minutes of the first meeting - I was not there, but I certainly have the handwritten amended version of the resolution which I was asked to sign.

I should say that I have no understanding that it was to be moved by me or seconded by the First Elected Member for Bodden Town or visa versa. I understood this resolution to be necessary to satisfy the Members who were meeting that nobody would crayfish out of the arrangement. When I amended the resolution in this fashion, nobody signed it to my knowledge.

MR. PRESIDENT: Thank you for giving way. I think, if I may say for one moment, we are in danger of bringing too many matters into this particular section of your speech. The question of your attendance at Select Committee was raised; you are entitled, of course, to comment upon it, but may I suggest that, if possible, you do that without bringing up the substance of the Committee's meeting to which you are referring.

MR. JAMES M. BODDEN: Mr. President, I will do my best to stay within those guidelines. I merely wish to point out some of the things ... and the Honourable Member did not have to get up because I was going to point out what he has just said.

However, since he has done that, I would like to remind him that I was the one who insisted that this must go to the people - and that is why we talked about us going to the platforms together.

I do not like to digress at this point, but the copies of the minutes were agreed to and it was agreed that they be given to the Chairman of the Committee who would hold them. And, if we did not go any further, that they would be destroyed. I do not have a copy and I am surprised to know that the particular Honourable Member has a copy. So it goes to show what we can expect to get ...

HON. BENSON O. EBANKS: Because I was not a party to the meeting.

MR. JAMES M. BODDEN: And it must be the wishes of the Members because we represent the wishes of the people. And - the Honourable Member is walking out now - I do not wish to prolong this much further, but I wish, in view of what he has said, to fully state what happened.

The resolution was circulated and agreed to. The Members who were there, and who are in this House today, know that Jim Bodden is not lying. It was agreed that we would sign it. When it came to that a certain Member (I am not going to call any names) (INAUDIBLE) ... yes, just wait sort of declined from going any further and made various excuses. The Member for North Side got angry about it at that point. He took his copy, tore it up, and walked out. He was the only Member who did not sign it, with the exception of my colleagues of the Unity Team. That Member did not sign it, although he had agreed with the context, but he got angry because, to use a terminology of my friend over there, "Members were trying to crayfish out of it at that point".

Now, this is what I am really getting at, Mr. President. The resolution was agreed upon by the Members inside that Committee Room, and I challenge any of them to prove me a liar on this. What I have said here today is God's honest truth. It was not more than a couple of days or one week later that, using his influence - I am sure it was - one of the backbenchers got up and accused me of everything in the world with regard to trying to change the Constitution. No other Member, just me.

He went on to state everything that happened in the Committee Room which was supposed to be kept strictly confidential. It was exposed on the floor of this House. At that point I sat down with a piece of paper, right here, wrote my resignation from the Committee and asked the Serjeant-At-Arms to pass it to the Honourable Member who had been appointed Chairman of that meeting. I have heard nothing more about it since that day.

What I am pointing out to you and the people of this country is, why should my colleagues and I spend any time in the Committee Room if we are dealing with treachery such as this? It would be foolish for us to put our lives, political lives and everything else in jeopardy by being in the Committee Room with them under these circumstances.

Mr. President, I need a cup of coffee at this point and I would appreciate a break.

MR. PRESIDENT: It was rather in my mind too. I have had a note, while you have been speaking, and Members of the House have indicated that they would wish, if necessary, to sit late today to finish the debate on your motion. The alternatives are to take a very short break, or no break, or to take a break and then to extend at half past four. If you would like a break, that is perfectly all right.

MR. JAMES M. BODDEN: Mr. President, I cannot understand why they are so willing to be so lenient to give me extra time today.

MR. PRESIDENT: No, I do not think that they said extra time ...

MR. JAMES M. BODDEN: That is not usually given. (LAUGHTER)

MR. PRESIDENT: Well, you would like a break?

MR. JAMES M. BODDEN: Yes, Sir, I would like a break.

MR. PRESIDENT: I think perhaps 10 minutes. Would that ...

MR. JAMES M. BODDEN: Let us make it 15, Sir, it may take me that long to get my two cups of coffee.

MR. PRESIDENT: Proceedings are suspended for 15 minutes.

AT 3:30 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:47 P.M.

MR. PRESIDENT: Proceedings are resumed. The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, before the break, I was dealing with a certain meeting which had been held in the Committee Room. It appears that maybe my words were misinterpreted to an extent and I would like to clear two points before I go on to my next subject.

These are: that the Elected Member for East End and my colleague from Bodden Town as I said, I think several times in the House this evening, were not a part of that Committee because they advised me strongly against it since they felt that we could not trust the other Members. I was the only one of the Unity Team group who attended that meeting. The second point that I would like to clear up is that the Chairman of that Committee was more or less drafted by the consent of the Members in that Committee Room, he did not voluntarily accept it. So I will rest that Committee.

I would like to show that Social Services...

HON. BENSON O. EBANKS: Mr. President, an intervention again Sir, under Standing Order 34(b), the Member has taken his seat.

I just wanted to place on record the fact that the meeting that the First Elected Member for Bodden Town refers to was an informal meeting. It was not a Committee of this House so, his being at that meeting does not improve his record of attendance at Committees of this House. Thank you, Sir.

MR. JAMES M. BODDEN: Mr. President, in no way I inferred that it was a Standing Committee of this House to try to improve my attendance at the Committee meetings. The only reason why I have brought this to the floor of this House was the many verbal attacks by the three Members who spoke on the attendance of my colleague and myself to the Committees and I am trying to explain to the people of this country and to him, the First Elected Member of Executive Council who has just spoken, that my reason for not attending Committee Meetings is because we cannot trust them.

During the Unity Team's administration, poor relief was attended to in the best manner that was possible with the funds available. In the year 1976, \$12,368 had been spent on poor relief. In 1983 we spent \$129,937. In the year 1976 only \$41,721 was allocated to Social Services. In the year 1983, \$565,218 was allocated. The reason that I am bringing these figures to the House today Mr. President, is that in 1972 at my first Finance Committee meeting, my colleague from Bodden Town and myself found out that in the previous year only \$1,500 had been allocated in the Budget to deal with poor relief in this territory.

We asked that the lady responsible for Social Services at that point be brought in to the Committee Room because, I think it was about \$1,200 or \$1,300 of the \$1,500, that had remained unspent. Her words to us was, "All I can do with this is to buy milk occasionally for a few kids that need it. It is foolish for me to think that I can do anything with \$1,500."

My colleagues and myself argued in that meeting for the entire day to get it increased. I cannot remember the exact amount that it was increased to, it was either \$5,000 or maybe \$15,000 but a '5' sticks in my mind. I am bringing this out to show the social conscience of the Member who is responsible for that portfolio at this time.

During our administration, we helped tremendously to get the Pines Retirement Home into operation. The records will reveal what we did. With regards to pension for Civil Servants, we put into effect the pensions for the widows and children of a Civil Servant who may have died. Before that time the little pittance that was given to them, died when they died. We looked on that as an inequity and we changed it. We gave free medical care to pensioners and a proposal for a new pension scheme for the retired Civil Servant. This was all done during our administration.

We also gave equal rights to husbands and wives under the Caymanian Protection Law to derive Caymanian Status. We established a Remand Home and we staffed the Francis Bodden Girl's Home. I do not know whether this was completed during our administration or not, but at least we started the construction of the Sports Complex at the Middle School. We did the football pitch at the Sports Complex, a Netball Court at the George Town Annex was completed as well as a hard court at West Bay. Work was carried out on the playing field at West Bay and I can correct the Member for West Bay at this point by saying that the land we bought at West Bay was 19.2 acres and it cost Government \$484,584. I would like the new figure to be entered into the record.

But, Mr. President, the point we must never lose sight of is, that the Member who is defending himself so vigorously today, was also the Member in charge of the same portfolio between 1972 and 1976. He and his colleagues have castigated my colleague during a 1976 - 1984 administration for everything imaginable. But we have only had one death to occur on a playing field in the Cayman Islands to the best of my knowledge, and it was done during the tenure of the present Member in that portfolio between 1972 and 1976 when he put a security guard on the play field at West Bay, locked the gates, issued him a double barrel shotgun and one of the young kids from that district was killed. That is something he will never be able to correct because that kid cannot be brought back into existence.

HON. BENSON O. EBANKS: Mr. President, I wonder if the Member will give way under Standing Order 34(b)?

I do not know why the Member will not stop whipping this dead horse. They have tried to use that from 1972 or 1976 whenever it was. Everybody knows that I do not issue gun licences. That is the responsibilities of the Police Department. I had nothing to do with the hiring of the guard nor was I present at the shooting. It might very well be, from what I understand, that might have been the first recorded victim of drug abuse in the Cayman Islands but I will not go into that, I understand that there was a scuffle for the gun and an accident occurred. There was no attempt of burglary or anything else why he was shot with the gun but I have no responsibility for issuing the gun.

MR. JAMES M. BODDEN: Well, Mr. President, there is a dereliction of duty if the Member is telling us that he is in charge of the portfolio and did not know that the guard using a double gauge shotgun, was

hired at the play field.

MR. PRESIDENT: I think you must now withdraw that statement. You are impugning the conduct of a Member of the House not on a substantive motion, I think that must be withdrawn. Would you please do so?

MR. JAMES M. BODDEN: I will withdraw it, Sir.

MR. PRESIDENT: Thank you.

MR. JAMES M. BODDEN: Two hard courts were built at the Middle School and a set of bleachers was completed. A new soccer pitch was built at the Cayman Islands High School. In Bodden Town, the field was fenced, the hard court was completed and a set of bleachers was provided. At North Side, the property was acquired to establish a community field and a hard court was completed. In East End upgrading work was carried out on the sports facilities, additional property was acquired to expand the school field and so on, and so on.

I would like also to intimate to the House that during this administration, Government received one of the biggest gifts which it has ever acquired and which is now becoming a point of controversy. I refer to the generosity of Mrs. Helen Harquail in giving the F.J. Harquail Cultural Centre to the people of this country to be held in trust by the Cayman Islands Government for them. It is a gift that I think cost \$3 - 4 million and a gift that we should forever be thankful for. I am not going to get into the arguments pro or con as to the way it should be managed or anything else. I am only intimating that had it not been for the man that they continually try to castigate, maybe we would not have that today as a gift.

I do not want to ride a dead horse to death, but during the break, I was handed an envelope and with your permission, I will read its contents.

"I, Kenric Welds, would like to ask the Government to grant permission to use a piece of the property owned by the Government located at Birch Tree Hill, West Bay.

This property will be used to build a house for the Smith's children who are homeless. If any of this property is given for such use, I am sure that various other community clubs will be willing to help others who are in need of assistance with their homes. The Government will still own the property and it could be used to help others in this situation in the future.

Any assistance given to this man will be greatly appreciated by the people especially the Smith's children who urgently need a place of shelter.

We all look forward to your prompt attention for such a worthy cause."

Enclosed in that envelope was this picture which I can circulate for any Member to see. It shows the type of property that has been discussed here and puts to rest the argument that this problem does not exist. This is a current picture of the property, I did not take it Sir, it was sent here for me. For anyone who wishes to view this, I will ask the Sergeant-at-Arms to put it on the Table and anyone who would like to dispute the fact that this does not exist in West Bay, please begin to do so.

HON. BENSON O. EBANKS: That picture is the property of the Second Elected Member for West Bay. He presented that here months ago.

MR. JAMES M. BODDEN: Well....

MR. PRESIDENT: I think that you have now read that into the record I do think that we should go on. Sad as the plight is of that family, I think that it has been very well covered.

MR. JAMES M. BODDEN: I just did it as a point to prove that it does exist, Mr. President.

MR. McKEEVA BUSH: Nobody was ever saying that it was not existing, it just shows....(inaudible)

MR. PRESIDENT: What I was worried about is that we may find the proceedings of the House becoming almost like a phone-in programme. I am sure Members would not want that.

MR. McKEEVA BUSH: That is typical of their administration.

MR. JAMES M. BODDEN: Mr. President, in placing my motion before this House, I asked for action, I asked for constructive direction and I asked for the Members to show a social conscience. I also asked that we set up a proper drug counselling and rehabilitation centre, I asked for an amendment to the Liquor Law to put teeth back into that Law. I asked for increased Police action to bring the drug dealers to justice. I asked for suitable playing fields and I asked for the parks that we were promised. I asked that we vote more money for the needy and the indigent children. I asked that we clean up the unsanitary housing and enlarge the operation of the Housing Development Corporation.

MR. PRESIDENT: May I take it that you are about to say, "and I therefore move for a Select Committee"? Because otherwise, you are not speaking to the motion.

MR. JAMES M. BODDEN: No, Sir, I am speaking to the motion. I am reiterating what I have said and I am winding up.

Mr. President, I am sure that I spoke on this before when I presented the motion because these are the notes that I spoke from.

MR. PRESIDENT: It is true, these were the reasons you gave to support the proposition. I have assumed that you are now summing up.

MR. JAMES M. BODDEN: I am asking for training schools to provide training for the youngsters. I am asking for an overhaul of Government's hiring and training policies, I am asking that we build proper juvenile rehabilitation centres, I am asking that we institute proper career guidance counselling, I am asking for proper Truancy Laws and the enforcement of that Law to ensure that the present generation of youngsters get an opportunity to learn the ABC's before they get into the High School. I am asking that we upgrade and enlarge the Boys' Home and also the Francis Bodden Girls' Home. I am asking that we recognise properly, our youngsters who accomplish great things in sports. All in all, Mr. President, I am asking the Members of this House, out of the

supposedly generosity of their hearts, to look on the people of this country who may need help, to look at them as a part of this community, to look on them as being people who play an important part in the development and the guidance of this country. If we neglect these areas, we shall pay heavily for it in the years to come. I ask that this motion be put to a Select Committee of the whole House.

Before I wind up, I ask for your permission Sir, to withdraw the other two Motions standing in my name. I will represent them in the September Meeting of this Legislative Assembly.

Thank you very much.

MR. PRESIDENT:
4/88.

I shall now put the question on Private Member's Motion No.

QUESTION PUT: AYES AND NOES

MR. JAMES M. BODDEN:

Mr. President, can we have a Division?

MR. PRESIDENT:

Clerk, would you please?

**DIVISION
NO. 11/88**

AYES: 1
Mr. James M. Bodden

NOES: 10
Hon. Thomas Jefferson
Hon. Richard Ground
Hon. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. Norman Bodden
Hon. Vassel Johnson
Mr. McKeeva Bush
Mrs. Daphne Orrett
Capt. Mabry Kirkconnell
Mr. Ezzard Miller

PRIVATE MEMBER'S MOTION NO. 4/88 DEFEATED BY MAJORITY.

MR. JAMES M. BODDEN:

Mr. President, that is the best vote I have ever had in my life.

MR. PRESIDENT:
withdrawn Private Member's Motion Nos. 5/88 and 6/88, I think we may now move to the adjournment. But, before we do.....

Now, as the First Elected Member for Bodden Town has

NOTICE OF MOTIONS FOR NEXT MEETING

MR. JAMES M. BODDEN:

I do not know whether I will have to do anything else formally on this, but I do wish to give notice that I plan to bring them back, God's willing, in September.

MR. PRESIDENT:

I have no doubt that you will, the Clerk is so advised.

I would like just before we close, to thank all Members for their mutual courtesies even in the stages where the debate did become somewhat warm, and I would like too, to record our thanks to the able and consistent help of the Acting Clerk and her staff, the Sergeant-at-Arms and the unseen, but obviously much appreciated behind-the-scenes staff of the House.

PROPOSED MOTION UNDER S.O. 24(9)(viii)

**VOTE OF CONFIDENCE IN THE
GOVERNMENT'S BORROWINGS AND EXPENDITURE**

MR. McKEEVA BUSH:

Mr. President, under Standing Order 24(9)(viii), because Motion No. 6/88 has been disposed with without debate, I wish to move a motion under Standing Order 24(9)(viii).

MR. PRESIDENT:

Do you have the text of the Motion? I cannot consider whether to admit it until I have the text.

MR. McKEEVA BUSH:

Yes, Mr. President, I wish to move a vote of confidence in the Executive Council's handling of the country's financial affairs regarding in particular, its borrowings and its expenditures.

MR. PRESIDENT:

I appreciate your purpose but prima facie, I do not think that arises out of the item of business immediately disposed of which was Private Member's Motion No. 4/88. I think I shall adjourn for consultation with the Attorney General. Proceedings are suspended for five minutes.

AT 4:11 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 4:16 P.M.

MR. PRESIDENT:

Proceedings are resumed.

I have to say, I think that all Members of the House and the Chair are having a good run through the Standing Orders in this Meeting.

I have considered the point raised by the Second Elected Member for West Bay in relation to Standing Order 24(9)(viii) and I think that my initial reaction was correct. The section refers to a motion being made without notice if it arises "out of any item of business made immediately after that item is disposed of and before the next item is entered upon;"

To take first the term "disposed of", I believe that in the context of Standing Orders on the conduct of business, "disposed of" must mean put to a question and a vote taken. I think it means that the motion is put, seconded, debated and a vote taken. Then it is disposed of. I do not think that on that basis Private Member's Motion No. 6/88 has been disposed of.

The next question to consider is whether it arises therefore, out of the item of business which was immediately before disposed of which was Private Member's Motion No. 4/88, and I do not think that the subject of it does fully arise out of that motion. I therefore regret that I cannot accept the notice of motion that you have given.

SUSPENSION OF S.O. 24(5)

MR. McKEEVA BUSH: Mr. President, under Standing 83, I propose to suspend Standing Order 24(5) to move the subject matter.

MR. PRESIDENT: I think that puts us in a different category, maybe I should clarify it and perhaps the Member will correct me if I have not interpreted his intention. I think the intention is to suspend Standing Order in order that a motion, otherwise than in the normal form which would require five days notice, be taken without notice. Do I understand you correctly?

MR. McKEEVA BUSH: Yes, Sir.

MR. PRESIDENT: That motion is moved, it now requires a seconder.

MR. EZZARD D. MILLER: I beg to second the motion.

MR. PRESIDENT: The motion has been seconded. Does the Mover wish to speak to his motion?

MR. McKEEVA BUSH: Mr. President, are you calling me on the motion to suspend Standing Order or is it for the motion that I proposed?

MR. PRESIDENT: No, I beg your pardon, I am calling on the motion to suspend Standing Order. Standing Orders do not in fact, require that you speak to the motion but I believe, that in order to inform the House and in order that it be on the record, you might wish to speak to your motion to suspend the Standing Orders.

MR. McKEEVA BUSH: Put the Question, Mr. President.

MR. PRESIDENT: You do not wish to speak to it? Does any other Member wish to speak to it? The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, to be frank with you, I do not have a copy of the Standing Orders with me so I am not fully cognizant of everything that the Member is trying to do.

I think the motion that the Second Elected Member for West Bay is trying to bring to the floor of the House would have been my last motion because the next motion after this, I think, would have dealt with the health question and so forth that I raised.

I do not care about that part of it. I just wish to state that I withdrew the two motions standing in my name because no Member of the Legislature that was here was willing to give me the opportunity by seconding it. I usually would have seconded a motion of this nature for anyone although I might not have agreed to it. But, I would have given them the democratic right to have the motion debated. So, Sir, I can do nothing else but stand in opposition to the motion that is being put before the House. All I think it does is to show them up for what they really are when they try to bring a vote of confidence of this nature based on a motion which I had put before the House and which cannot be disposed of at this Meeting. However, I have no doubt that the motion will receive enough support to put it through and I am prepared at that point, if I can debate it again to begin debating it again. I stand in opposition although I may stand alone. Thank you.

MR. PRESIDENT: Does any other Member wish to speak? If I may intervene on one point, I did also consider whether this might be out of order under Standing Order 37 which however, is specific to anticipating bills not motions. If it were inclusive of anticipation of motions, it would have been out of order under that Standing Order.

Does the Mover wish to reply to the debate upon his motion?

MR. McKEEVA BUSH: If there was something to reply to Sir, but there is nothing.

MR. PRESIDENT: Well, that is a matter for your opinion. In that case, I shall put the question.

QUESTION PUT: AYES AND NOES.

MR. PRESIDENT: I think that I must call for a Division, the voices sounded equal. Clerk..

MR. JAMES M. BODDEN: I can always make my voice sound very hearty.

DIVISION NO. 12/88

AYES: 3
Mr. McKeeva Bush
Mrs. Daphne Orrett
Mr. D. Ezzard Miller

NOES: 2
Capt. Mabry Kirkconnell
Mr. James M. Bodden

ABSTENTIONS: 6
Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Vassel G. Johnson

PRIVATE MEMBER'S MOTION NO. 4/88 AGREED BY MAJORITY.

MR. PRESIDENT: Standing Order are suspended accordingly. I think I would like the House to have a written text of your motion, if you would not mind, so that I will have a copy in front of me. Would you please have that provided while we suspend for the necessary time?

Proceedings are suspended accordingly.

AT 4:24 P.M. HOUSE SUSPENDED

HOUSE RESUMED AT 4:42 P.M.

MR. PRESIDENT: I do apologise for keeping you waiting, but I was making a few private arrangements against the possibility of sitting until 10:00 p.m. or later.

We have a motion to be moved and the suspension of Standing Orders and under Standing Order 24(8)(vi) [24(9)(viii)], the Second Elected Member for West Bay, please.

SUSPENSION OF STANDING ORDER 10(2)

MR. McKEEVA BUSH: Mr. President, I would like the House to suspend under Standing Order 83, Standing Order 10(2) to finish the business of the House.

MR. PRESIDENT: I think that we do not normally need a seconder for that motion and I will therefore put the question.

QUESTION PUT: AYES AND NOES.

MR. JAMES M. BODDEN: Could I have a Division?

MR. PRESIDENT: Division please, Clerk.

DIVISION
NO. 13/88

AYES: 10

NOES: 1

Hon. Thomas Jefferson
Hon. Richard Ground
Hon. Lemuel Hurlston
Hon. Benson Ebanks
Hon. Norman Bodden
Hon. Vassel Johnson
Mr. McKeeva Bush
Mrs. Daphne Orrett
Capt. Mabry Kirkconnell
Mr. Ezzard Miller

Mr. James M. Bodden

AGREED BY MAJORITY: THAT STANDING ORDER 10(2) BE SUSPENDED TO ENABLE THE HOUSE TO COMPLETE ITS BUSINESS

MR. PRESIDENT: In that case we now proceed with Private Member's Motion No. 7/88.

PRIVATE MEMBER'S MOTION 7/88
VOTE OF CONFIDENCE

MR. McKEEVA BUSH: Mr. President, this motion, a vote of confidence in the Government's handling of the Country's financial affairs and in particular, its borrowings and expenditure, I take it is properly moved.

MR. PRESIDENT: If you would read the text in the normal way in which we do for Private Member's Motion and then have it seconded, then, I will invite you to speak to your motion.

MR. McKEEVA BUSH: Mr. President, with leave having been granted in accordance with the provisions of Standing Order 24(5), I the Second Elected Member for West Bay beg to move the following Private Member's Motion No. 7/88 which reads as follows:

VOTE OF CONFIDENCE

WHEREAS the financial position of the Cayman Islands Government is in surplus;

BE IT THEREFORE RESOLVED THAT this Honourable House records its confidence in Government's handling of the country's financial affairs particular its borrowings and expenditure."

MR. D. EZZARD MILLER: I beg to second the Motion, Sir.

MR. PRESIDENT: The motion has been duly moved and seconded. I must apologise to Members for quoting the wrong Standing Order when I came back in a few minutes ago. Please would the Second Elected Member for West Bay proceed with his motion.

MR. McKEEVA BUSH: Mr. President, I move this resolution not because there has been any lack of confidence by the majority of well thinking Caymanians or any show of distrust by the foreign investor in this Government.

Enough half truths have been spread and the issue clouded by irresponsible people. While the Members of Executive Council cannot move a vote of confidence in themselves in this manner, we, as responsible legislators and representatives, cannot allow to go unchallenged the untruths as spread by these irresponsible people. There has been much conjecture as to the true position of this country at the end of the last Government's administration. But, the answers to my question on Friday by the Honourable Financial Secretary puts that former administration's disastrous financial position in its proper perspective.

MR. PRESIDENT: I must ask you to speak to the motion. The motion refers to the present financial position and the confidence of the House in the Government's handling of the country's financial affairs.

MR. McKEEVA BUSH: I am proceeding Mr. President, to give the picture as portrayed.

MR. PRESIDENT: I am sorry to interrupt the Member twice so early on his speech. I have said several times that I feel, as a matter of principle, we should have the utmost flexibility in the scope of debate. This is a very specific motion which is being brought on short notice by the suspension of Standing Orders. I will again ask you to stick very closely to the motion so that those who follow you also may be invited by the Chair to do the same.

MR. McKEEVA BUSH: When we examined the estimates of revenue and expenditure for 1986, where on page 11, the actual statement of assets and liabilities at the 31st of December 1984 are given, the true total and depressing position is stated. Why this date the 31st day of the twelfth month of 1984 is chosen is because this present Government...

MR. JAMES M. BODDEN: Mr. President, on a point of order, you have already ruled that we are dealing in this specific motion with the present position of government. We are not dealing with 1984. In September, I will give him the opportunity to deal with that, Sir.

MR. PRESIDENT: Will the Second Elected Member for West Bay please proceed and bear in mind my earlier remarks?

MR. McKEEVA BUSH: Mr. President, why I am taking that position is because this government was sworn in on the 20th day of November, 1984. Government's expenditure for any given year is cut off not later than, I believe, the 20th of December of any year.

MR. PRESIDENT: I am sorry, I have to say and I must rule, 1984 is not to do with this motion. Votes of confidence are normally brought for a specific purpose and not for lengthy debates, particularly when brought at short notice by suspension of Standing Orders. Please stick to your motion.

MR. McKEEVA BUSH: Mr. President, I will bow to your ruling. Although, this administration was sworn in on the 20th of November, 1984 and, I find it hard to accept that I was sworn in as a Member of this Government, in control of the country's affairs as of that date and I cannot refer to its financial position from the particular date that I am referring to.

MR. PRESIDENT: I do not wish to get into the position of overruling the Member more than twice on the same motion. Your motion refers to the present financial position of the Cayman Islands Government. It says: "WHEREAS the financial position of the Cayman Islands Government is in surplus;"

That is a statement. You are entirely limited to expand on that in terms of the present financial position. In other words, the statement as of today or latest available date. Your resolution is the vote of confidence.

MR. McKEEVA BUSH: Well Mr. President, I would not want you to think that I am being disrespectful to the Chair, but surely, for us to be in this position I have to show when it begun.

MR. PRESIDENT: If this was a substantive motion, given on five days notice in the normal way, I would give that latitude but I have already said that this was brought at short notice and it is a vote of confidence in essence.

MR. McKEEVA BUSH: Mr. President, our position today is some \$16,840,000 to our good credit. This did not come about by being irresponsible. This position took great management skills, therefore Sir, the reason for the motion. I cannot see that anyone in their right minds could say that Government's position, after looking at the figures given by the Financial Secretary, that the country has gone over its head. I am wondering whether we can look at the national debt. We must remember that total borrowing, when we took office, amounted to \$14,497,206. Now, in addition to those loans, they had an overdraft at the bank

MR. PRESIDENT: I well understand your wish to traverse this ground again but I must ask you not to. And furthermore, bearing in mind that the vote to suspend Standing Orders was by three to two with seven abstentions, which can hardly be called an overwhelming will of the House.

MR. McKEEVA BUSH: Mr. President, I can see that patience are tact and I can also see that I am not going to get any further so, I would say that the loan position of this country today which stands at approximately \$28 million, approximately half of that amount was only borrowed by this administration. It was borrowed for reasons of capital development which the country needed, for example, the Water and Sewage Scheme and the airport development. Today, if the Government was called on to pay off its debt, we would still be in a surplus position.

I will agree that to cover this area, I certainly need more time and more latitude than I am being given and in light of the way you put your statement a while ago referring to the majority vote of the House, I will proceed no further.

But let me say, that while I bow to your ruling, I am not entirely happy with it. You are the Man in the Chair and I do not want to seem to be disrespectful to you.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, I thank the Member very much for bringing this motion to the House, in view of my having to withdraw my other motion. I can assure you that I will try to speak to the substantive issues that are in this particular motion.

The motion starts out by saying:

"WHEREAS the financial position of the Cayman Islands Government is in surplus;"

We are all aware of the manner in which Government's revenue is collected. The first of the year we see a large amount of revenue being collected because we have the banks and trusts licences fees being paid, we have the work permit fees being paid, we have the normal customs duties that usually comes in over a period of twelve months being paid, we have motor vehicles registration being paid and all of the other major revenue sources of government come in during the first quarter of revenue collected by the country.

In the past, there has been times during this period of the year when there has been probably \$12 to \$13 million in surplus at a particular time. But what happens is, that as we go into the lean months, and we are coming into the lean months, unless we put additional taxations, there will be lean months.

When we come into those lean months and Government's programmed expenditure takes place, we find that we wind up in a position to where there is no surplus revenue. I am not saying that that will happen this year because I do not know exactly how the capable Financial Secretary of this country has programmed all of these expenditures.

We have dealt with another issue in this House as to where we have set in motion an overdraft facility of about \$4.5 million. So, it must be that we are planning somewhere along the line that our expenditure will catch up with the income that has been generated. Therefore, although at the present time there may be surplus revenue, and we have just dealt with a budget which called for vast expenditures and by the time we complete those expenditures, there is going to be no money left in the till.

I am thankful again that this particular Member has given me the opportunity to thank the Financial Secretary for being a genius among an administration that has not attended to the problems of this country and he has kept the good ship "Cayman" trimmed with the sails perfectly. We are in a surplus position and we should all be thankful of it but please, do not delude the people of this country and do not be deluded yourself that there is a surplus. If we look at Government's heaviest expenditure and if we look at Government's heavy debts, there is no surplus. There is no reserves. We have a vast debt hanging over the people of this country today.

I have requested from the Financial Secretary upgraded figures on the financial position of this Government which I am entitled to receive and I can understand why I have not received it. I know that if he could have had them for me by this time, I would have had them. But, I am thankful that we have someone guiding the purse strings of this country and like this Member I would have liked to have had those figures because it would have revealed to me accurately the amount of money that this country owes. We have only dealt with a small percentage of the Government's borrowings in the budget which was presented to this House. The rest of it is being borrowed and, I do not condemn the method that is being used. The rest of it is being borrowed into statutory bodies which is owned by the Cayman Islands Government. It is the Cayman Islands Government's guarantee that is backing those loans, so therefore those loans cannot be taken out from the budget. They are debts of this country.

I am risking the point here of having to make an apology at a later meeting of this House, to say today that I would estimate the amount of borrowings that I have heard of that with all the statutory bodies, with Government's regular borrowings we are up to probably some where between \$35 - \$40 million that we owe which is a lot of money. We cannot boast about the \$2 or \$3 million that we may have at the end of the year in the difference between the revenue collected and the money that is being extended.

If we remember, Mr. President, the budget that was presented to this House showed but a very small surplus projected for this year, that did not take into account the heavy expenditures in order to get that small surplus at the end of this year. It did not take into account the added heavy expenditures that this Government has undertaken in the last couple of months. We have had to vote in the Finance Committee approximately \$2 million in addition to what was in the budget to take care of the salary review. We have had to vote money for this source and that source which I think would approximate around close to \$5 million. By the time we add all of that, we are not going to have any projected surplus at the end of this year unless additional taxes are put on our people. We must not at this point in time delude the people of the Cayman Islands into thinking that the good ship Cayman has all her sails trimmed correctly into the wind. We are in a position that we are overspending, we are over borrowing and we have to pay it back.

The Member said that if the debts of the country was paid we would still have a surplus. How are we going to operate the country if we take the surplus revenue that we have which is projected to be spent over a period of twelve months, and pay off the national debt? We will have to go back and borrow it the next day. I speak, subject to correction, but I think I heard a figure of some \$16 million in surplus, which is not a lot of money for a country to have at this particular period of time of the year when all of our big income has been collected. So, if we foolishly go and pay the debts off, if we foolishly spend that, how are we going to operate the government?

I understand why the backbench Member is so anxious to support his colleagues. But do not delude the people, he is not deluding me. If I had the time that I need to speak on this issue, I could speak until midnight on it and bury him with his figures. I will have that opportunity again. But Mr. President, please do not let this Member try to delude the people of the Cayman Islands. We are in problems with our finances just like we are in problems with everything else that this Government has tackled.

MR. PRESIDENT: Are you giving way?

MR. JAMES M. BODDEN: Yes.

MR. PRESIDENT: The First Elected Member of Executive Council, were you wishing to intervene?

HON. BENSON O. EBANKS: Just to call your attention, Sir, to the fact that the Member is straying from the motion.

MR. PRESIDENT: I was watching this and I believe I was about to say it. Perhaps you were.

MR. JAMES M. BODDEN: Well, I really do not think that I was Sir, I tried not to. But, Mr. President, we are in trouble and I will leave it at that. Let the people of the country know that we are in trouble. I praise the Financial Secretary I do not praise the Elected Government.

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

MRS. DAPHNE ORRETT: Mr. President, I will be very brief but I would like to give my support to Private Member's Motion No. 7/88 in regard to a Vote of Confidence in the Government of the Cayman Islands.

The difference that we are looking at, I suppose, is that between close to approximately \$2 million deficit to \$16 million surplus which, in my estimation, is some \$18 million, a position which for this country, I consider, is very good. I also would wish to refer to the First Elected Member for Bodden who said in his debate that most of Government's biggest revenues would have been collected earlier on in the year.

However, there are some areas of tax collection that we need to look at. For instance, fees collected for automobiles and other licences are collected during the year. Certainly those which are collected from hotels and condos and other areas in connection with tourism are collected all year. Customs duty which is one of our major income producing sector, would be collected all year, airport fees and other fees would also be taken into consideration. So, from information that I have received earlier on, we may be in a surplus position of some \$21 million by the end of the year.

I think, all factors being taken into consideration from the end of 1984 to the present time, that the motion before the House is a valid one and that this House certainly needs to record its confidence in Government's handling of the country's financial affairs and in particular, its borrowings and expenditures.

Mr. President, I support the motion.

MR. PRESIDENT:
for North Side.

Does any other Member wish to speak? The Elected Member

MR. D. EZZARD MILLER:

Mr. President, I rise to support Private Member's Motion 7/88 which calls for a vote of confidence in the Government of the country.

The First Elected Member for Bodden Town has flapped his bird-wings with no birds flying, but he managed to fly a little bit today because he has departed from the Chamber. But, you cannot argue with facts as presented by the Honourable First Official Member responsible for Finance and Development to an answer to a parliamentary question as Tabled in this Assembly by the Second Elected Member for West Bay. The answer to that, Sir, clearly states that the General Reserves and Surplus at the 31st March, 1988 amounted to \$19,459,587 which was arrived at as follows:-

General Reserves and/or Accumulated Fund Balance (that includes paying off the deficit of the 1984 Government as at the 31st December, 1987): \$8,386,440;

Surplus as revenue as at the 31st March, 1988 inclusive of the unaudited surplus balance brought forward on the 31st December, 1987: \$11,073,147

A total surplus position of: \$19,459,587

Now Mr. President, the Member did not only ask for that figure to try to create some illusion in the minds of the public and that was the total picture as has just been done by the First Elected Member for Bodden Town. He asked for the set-offs against the present financial position of this country. Those set-off charges presently outstanding against the reserves and in respect of the Tower Loan as of the 31st of March, 1988 stood at \$2,619,047.63 and this House knows where the Tower Loan came from. That gives a net position at that point of \$16,840,539.37. According to the Treasury's records, the unaudited surplus for the year ended 31st December, 1987 amounted to \$4,638,218, a total position of approximately \$21,478,758.

Now, Sir, the First Elected Member for Bodden Town intimated that this has nothing to do with the Elected Officials of Government. I can understand that because he never comes to the meetings of Finance Committee. The fact of the matter is, that the purse strings of this country are pulled and controlled at the level of the Finance Committee of which we are all members. The Honourable First Official Member of Government is the Chairman of that Committee. He could not have had success in administration if he had not had the positive, good political will which this Government has given him and their good political managerial input. If we had sunk \$38 million into some programme through unwise management for whatever reasons, by a decision of Finance Committee to chase some wild boar down the road, the position would not have been this way.

Mr. President, the fact of the matter is, that this very positive surplus position has been arrived at without the introduction of any new taxes in 1985, 1986, 1987 and in particular, 1988 which we are dealing with. There were no new taxes this year and it is not correct to tell the people and to insinuate or to deduct that the only reason Government has a surplus at the 31st March, is because all revenue is collected during the first three months of the year. That is not a fact. The fact is, that car licences are now renewed on the anniversary of the date on which they were issued. Not like they were during prior administrations; they were all collectable on the first day of January. I will agree that some of the larger sources of revenue, such as bank licences, companies licences in some cases, are all collected on that anniversary date but, Custom's revenue is collected all year round.

If you listen to the Member's submission, the only logical deduction would be that Government's total charges end on the 31st of December and nothing is collected thereafter during the year. He knows differently, but that is part of the rumour mongering that is going on and the half truth, because it is true that some comes in before, but it is not true to continue that argument to say that nothing is collected after the 31st of March and that by the end of our administration we will be in a deficit position.

If one looks at the current trend and the current records of this administration - we are not hiding anything Sir, - the set-offs are there. The total debt of this country today is approximately \$27 to \$28 million and that includes all of Government's debt, the public corporations and everything else. And, if these good people continue their good management as have been done this year and other years, by the end of this administration at this rate, there will be enough surplus to pay off its debt at one time if we had to. It may be more than \$28 million and at the present rate it is possible it might be \$38 million in surplus by the end of this administration.

Mr. President, reference was made that Government has a \$4.5 million overdraft facility in answer to a supplementary question during this Meeting. The Honourable First Official Member made it clear that at this point in time, he saw no need to use not even \$1 of that overdraft facility. But we put it in place so that it would be legal as is required, because approval for use has to be given by the Standing Finance Committee. That is proof that Finance Committee controls the purse strings of this country. The First Elected Member for Bodden Town had better start attending these meetings so that he will know that.

The First Official Member said in answer to that supplementary question that he saw no need on the horizon at present, to use any of that facility. That clips the argument of the First Elected Member for Bodden Town who said that the reason why we put it there was because we needed it and there will not be any more funds coming into the Government's Treasury towards the end of this administration. It is out the door! It licks him for a six! The Bodden Towners will have to change their bowler come the 16th of November, 1988 because he is no longer capable of bowling for them.

It is not fair, it is not honest, it is impossible and improbable to deduct from this answer which gives a net position of approximately \$21 million, that the present administration is overspending and over borrowing for three years. This position could not have been arrived at if that was the practice. One wonders if the Member is not slightly confused about the past and the present and he might have been slumbering away when these answers were given.

The present position cannot allow that deduction and it indicates that Government is well in control of its spending and borrowing policies. The public must not be alarmed that this country has a total debt of \$28 million. That was not all borrowed yesterday. This is the total debt of this country from the time it came into existence up until the present time. We are not ashamed of that. What is important is to figure what it will cost to service the debt at the present time. My information has it that that is less than 5 per cent of the present recurrent revenue of this country. That is nothing to be alarmed about, Sir. There are very few countries in this great universe of ours, including the great United States, that can make that boast.

The public made a wise choice in putting the present administrators where they are and the public is getting their money's worth. That is the purpose for this vote of confidence. There is so much going on out there to detract the real effort from the good management, from the positive approach, from the careful planning, the judicious spending, to the careful structuring of Government's borrowings; where it is gotten from so that we are not caught in some over valuation of rising yen or something on the present financial market, or that if we do not use it all there will be another black Monday.

It is unfair to the present Elected Members and Official Members of Executive Council for people to be saying on the streets and in this House that overspending and over borrowing is going to ruin this country financially. That is simply not a fact. It cannot be substantiated. It is a pigment of one's imagination. I challenge any Member to document otherwise in the Chambers of this House or in the public

forum.

Reference was made to a ship floundering. As I said in my debate on the Budget Address, and while not wanting to revive that debate, it is a fact that the person, and I will name the person because I think he deserves the recognition, the Honourable First Official Member is the person who has his hands on the tiller of this ship, with the assistance of the Elected Members of Executive Council and its backbenchers who are trimming the sails - because the opposition might as well stay home, they are not doing anything. If those Members want another five knots, we give them another five knots if we think the sails in the wind can take it. That is how a ship is sailed. He has set the course and people like the First Elected Member for Bodden Town should not tamper with the course that is now set. He has nothing better to offer on his record of riding the donkey on the shore and attracting the ships onto the rocks. It is well known throughout the country that the good ship "Cayman" with the man who has his hand on the tiller and the people who are trimming the sails, is well set.

We are talking about the Americas cup, we are outsailing them. We have a surplus position and they are \$3 trillion in debt. That is good management. Mr. President, the fact is, that the Members of Government are to be congratulated for this positive, rosy, - I am at a loss for adjectives to apply to its position - and it has to be positive adjectives, you cannot apply anything negative to this, Sir. It has been tried but you see as usual, they drop it and they are gone.

I seconded this motion because I am confident, and I say that without reservations, that the present Executive Council both Elected and Official Members - the people who are administering this country on a day-to-day basis by their policies and programmes put in place - is doing a fantastic job. It is the best that it has ever been. It is necessary to tell them that because everybody else outside is saying differently. When a pat on the back is necessary, I will give it.

The backbenchers, the real opposition in the House, the 4 Elected Members on this side, - because oil and water do not mix, Sir - and there is a reason why this was divided this way in 1984 and it is still divided that way, with our watchdog effect, sometimes it has gone the other way because especially the Second Elected Member for West Bay and myself are very zealous and anxious. We have put a lot of pressure on Government and the Honourable Financial Secretary to do more, to spend more, to find more and you know, there has been good, capable, constructive and solid management. They have managed to do it without additional taxes in 1988. An impeccable and incredible record!

Mr. President, I am not worried about the financial position of this country, it is in capable hands especially after the answer to this question was given. I must repeat for the general public's edification and information that nothing is covered up in this. It is all clear and concise. It is unfortunate that the press did not see fit to headline the \$19 million general reserve and surplus of this country instead of Watersports Association making the headline with all kind of innuendoes, but, I will not stray into that I will deal with them in the appropriate forum. The press knows what was said and what they printed was not right because they were at the meeting.

But Sir, the fact is, that the country is in a good position financially, the best it has ever been because we cleaned up all the accounts. The First Official Member moved a Bill in this House which put a bigger load and a bigger responsibility on his shoulders than he has ever had in the past. Time frames have now been set up for the auditing of Government's accounts and a Public Accounts Committee appointed. This is all a part of good administration. There is very little use in a review by Public accounts of a year ten years ago. There was a time when we did not have a review for 8 years but that Honourable Member brought that Bill which dictates that he has to close the Public Accounts of this country by the 31st of March of each year. The Auditor General has to complete his Report by the 30th June, I think it is, the Public Accounts has to meet and make their decisions, table their Report in September of each year and Government has to reply in a Government Minute within 90 days. Usually it is done before time at the Budget Meeting. That is good administration since the review is therefore timely. Any little fudging with the course can be corrected before we lose sight of land and we can trim the sails accordingly.

You do not wait for 9 years to review a year and then expect to have some corrective action when you are talking about good management, good administration and good financial planning. That simply offers no constructive input to any government. The present Government has put in place the administration, the managerial policies, the financial policies, the checks and balances that are required to maintain and to attain surplus revenue positions - because that was not so easy in the past. This Government has been very careful in its choice of capital projects, the Five-Year Economic Development Plan which was degraded gives confines for each year and, we must admit that it takes a good government, a government that can stand the test of time and wild accusations that people like the First Elected Member for Bodden Town who reads a balance sheet like this or an answer like this and offers the incredible revelation that we are overspending with approximately \$20 million surplus and reserves, and you are over borrowing when you are only using 5 per cent, which is half of the internationally accepted standard. He should be looking at an orange light when you are using 10 per cent of your current revenue. We are only half way there.

He deducts that we are overspending. It takes a good government to put its plan on an Economic Development Plan five years in advance which can be scrutinised by people like that and they can take their licks. But you see Mr. President, that is what is good about today's Government. Today's Government is not afraid to plan, neither are they afraid to work that plan. In managerial circles, it is common knowledge that no one plans to fail, people only fail to plan. That is the difference between the present day administration and the previous administration and that is the success story of the present day administration and its financial position. They are prepared to plan the course, they do not just go out there on a ship and start darting up and down because some investor comes this or that way, having no idea of the rules of the road and have to be constantly ducking and weaving from traffic. They have set the course and the course is established by the rules of the road which is the confines of the ability of this country to collect revenue and service its debt and is established partly in terms of capital expenditure and the Five-Year Economic Development Plan of this country. That sets the course. We have stayed on that course and every year the weather is getting better and the sailing is getting better in terms of surplus and reserves position.

I am amazed at the ability of the Honourable First Official Member and that of other Members of Executive Council to produce a balanced budget in 1988 without the need of additional new taxes. There was no new taxes in 1987 and the present position is that 1987 ended with a surplus of \$4,638,218 because they planned and executed their plan. They did not allow people to tear them hither fro and yonder.

Mr. President, I wholeheartedly congratulate the Official and the Elected Members of Government, the whole Elected Body of this Government, excluding the Unity Team which claims to be the opposition because they do not attend the Finance Committee meetings so they can therefore take no credit for the present financial position of this country. They have not been there and as I have said earlier on in another debate, and again without wishing to revive the subject, if you are not on the ship, if you are not in these Chambers, if you are not in the Finance Committee's meetings taking part in the deliberations, contributing to the running of the country, you do not know what is going on.

We were elected and are the water on this side, the good Elected Members of this Chamber have done what they were elected to do. They have attended Finance Committee meetings, they have worked on the Five-Year Economic Development Plan, they have assisted the Government in producing this position and the oil has not been there, they have not showed up, they are not entitled to any credit, they are not entitled to any blame. Of course there is no blame here, it is impossible to be negative in any way about such a rosy position. The country has never been any better off and that is as clear and

concise a fact as has ever been stated from the Chambers of this Assembly.

Mr. President, the present administration of this country is to be congratulated for their judicious spending and their planned approach to finances in this country. They have not gone about building monuments to themselves nor to us to leave their print on society, or a shadow. Why would they want to block the people of this country from receiving the light from up above in the shadow of themselves? A shadow could only mean something negative, why would we want to lead these people into darkness? We have been elected to lead the people into light and that is what the present Government has done and will continue to do as long as we are in this Chamber. We have no wish to leave shadows over this beautiful country of ours, the trees, the wonderful animals, the fishes and the beautiful waters need sunshine to survive. We have been elected here to run the country and to organise the finances of the country in a way that people can sleep at nights. They do not have to worry about the next day of some Pharaoh's ant of tax increase to balance some account.

The people who have been elected and the people who have been appointed in an official capacity of the present administration have done a tremendous job, excluding the Unity Team's Members. They are not here, they are not usually here. Mr. President, I believe that the people of this country chose well when they chose the present administration. There is one district that made a tremendous error and that was the Third Electoral District, but that might be corrected, they have an opportunity to correct that when they put the next administration in place on the 16th of November, to run the affairs of this country. The people have been served well. These people have to be congratulated when the public of this country meets them on the streets from here on, they should be saying, "A job well done!" and not harassing them with these rumours.

I support the motion - A vote of Confidence - in the present administration of this country.

Thank you, Sir.

MR. PRESIDENT:

The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL:
7/88, Vote of Confidence, which reads as follows:-

Mr. President, I rise to support Private Member's Motion No.

"WHEREAS the financial position of the Cayman Islands Government is in surplus;

BE IT THEREFORE RESOLVED THAT this Honourable House record its confidence in Government's handling of the country's financial affairs in particular its borrowings and expenditures."

Mr. President, I have no problem and it is a pleasure for me to express my confidence in the Honourable Official and Elected Members of Executive Council of our Government. I was instrumental in placing the Elected Members in Executive Council and I have as much confidence in them today as I did the day I cast by ballot for them to be appointed to that office.

As an Elected Member of this Honourable House, I am automatically a member of the Standing Finance Committee which is chaired by the Honourable the First Official Member, the Financial Secretary, who being a very capable man, is very able to explain to us who are not as well qualified as he is. We have gained much from his experiences with all the borrowings which government has done and which has been very necessary. It has been borrowed at the best interest rate and under the best terms. Sometimes borrowing has had to be delayed because the best terms were not available, which is one of the reasons why some of the projects that we would have liked to have completed in this 4-year span have not been completed but it is all because the Honourable Financial Secretary, in his very capable manner, has done everything to keep the expenditure of this country down. We owe much to him and I thank him immensely for all the good he has done and will continue to do.

Mr. President, I would like to go a little further than this motion in expressing my vote of confidence in our Honourable Executive Council. I would like to express my confidence in their handling of all the affairs of the Cayman Islands Government during the last 4 years. I would like to congratulate each one of them personally for all that they have done and will continue to do. I realise that this being an election year, we have heard much in this Meeting which we have to attribute to political campaigning. I do not intend to use this forum as a campaign medium, therefore, with these few words again, I would like to thank all the Members of our Government and express my total confidence in them.

Thank you, Mr. President.

MR. PRESIDENT:
the Mover to exercise his right of reply.

Does any other Member wish to speak? In that case, I will ask

MR. McKEEVA BUSH:
Mr. President, certainly, I could not go back to 1984, I should be able to go back much further at this point and, in light of the things that were said by Members debating the resolution, I am wondering whether I cannot now go back, because, the Member in opposition in particular said that from its inception, the Government had mismanaged the country.

The First Elected Member for the Lesser Islands just placed on record, and I am at liberty I feel, to debate that issue - the confidence in the government for the last 4 years. Under the scope of debate, before you rule Mr. President....

MR. PRESIDENT:
No, I am not going to rule, but I would ask you not to try the patience of everybody. I understand what you are trying to do and I appreciate it but, the points that you and those Members raised were en passant, they were not germane, they were just as it were, a phrase or two in the course of a paragraph. They did not spend a long time on those issues, please.

MR. McKEEVA BUSH:
Well, Mr. President, I want to thank those Members who spoke in support of the motion. The First Elected Member for Bodden Town tried to make a case that the country was in a bad position financially because we had collected everything that was due as far as revenue for the year was concerned. So, in his opinion, at the end of the year we would have had a deficit position.

Well, I too would have hoped that the Member would have been here, but everybody knows his method of accounting and so, whether you want to believe me or not, or whether I am going to get the scope, the country is well aware of his type of management and how he can twist things around. But, his statement Mr. President, is not true. Import duties alone, are responsible for 40 per cent of our total revenue and with 8 months of import duties still left to be collected, with the position being what it is and it seems that he has accepted that, it does not seem to me that we should end up with a deficit.

The Member also referred to an overdraft facility at the bank. Mr. President, we have not used one dollar of that facility. He said that Government should not delude the people and he maintains that the country is in such a bad position. You know, I could stand here all afternoon and debate the word "delude". However, the fact is, that there is no deluding on our part. We have told the country the truth in all things but I have to wonder, what does the Member call a bad position?

It must be pointed out and if the Members of this House and the

country check the estimates for 1984, 1985, 1986, 1987 and 1988, they will find out who is trying to delude the people. In those estimates are set out the entire position of the country up until this date. In those estimates it is pointed out what is the loan positions and what the Government's borrowings are. The country has approximately \$28 million in loans, \$14.5 million of that is what the previous administration left behind and I would ask the newspaper reporter to write these figures down. This government only borrowed \$14 million. I have nothing to lie about, Sir. "Delude" is only a good word used in place of "lieing" as far as I am concerned and that is not the only wrong that I have had handed out to me today.

This Government it must be pointed out, has only borrowed some \$14 million to date. It has something in the region of \$18 million and I believe it can be safely said that at the end of the year our revenue surplus position would be in the region of \$18 - \$21 million.

I cannot understand how the Member for Bodden Town can arrive at his opinion but the financial position which are not getting too clear because I am not able to go back to show what was the true position and which was the purpose of this motion - So that the people of the country would not be deluded, so that the country will not believe that the Governor would allow any over borrowing over the people's heads and so that the Financial Secretary would not be put in a position for people to believe that he sided with the Government to do anything wrong, not just with the 4 Members of Executive Council.

We could pay off our loan of \$14 million and still have a credit balance. And, while I am not now given that chance to show how we came about this position, the half truth as told by the First Elected Member for Bodden Town cannot be substantiated.

Mr. President, it is no use of me carrying on further, because, I know that I am not going to get the chance to show how we came about our position.

MR. PRESIDENT: May I interrupt you for one moment? It is nothing to do with what you are saying. The staff is asking that we give a few moments while the tape is being changed. We will suspend for five minutes.

AT 5:58 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 6:02 P.M.

MR. PRESIDENT: The Second Elected Member for West Bay may now continue.

MR. McKEEVA BUSH: Mr. President, I can only again record my confidence in the way in which the country has been handled in its financial affairs since this Government took office. The country it is pointed out clearly, through its Government, has borrowed \$14 million, we were left with a debt of \$14.5 million by the previous Government and we now have general reserves in the region of approximately \$18 million.

As I have said, I wanted to go much further back to show that we were left at the end of 1984 with \$391,000 as deficit, today we stand with close to \$18 million when the facts are given. I am only telling the truth and I trust that at some given time, the full position will be given clearly for one and all.

The First Elected Member for Bodden Town raised the issue that the management of the country was bad, the policy was bad and I only want to quote to him what the Honourable Financial Secretary said in his debate in December of 1987. He said:

"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, Mr. President."

That should tell the First Elected Member for Bodden Town if he really means what he said about the First Official Member, then he should agree with these words.

Mr. President, I thank the House for their time and hope that we can pass this motion.

MR. PRESIDENT: I shall now put the question on Private Member's Motion No. 7/88.

QUESTION PUT: AYES AND NOES.

MRS. DAPHNE ORRETT: Can we have a Division, please?

HON. THOMAS C. JEFFERSON: I too, would like a Division, please?

MR. PRESIDENT: Clerk.

**DIVISION
NO 14/88**

AYES: 4
Mr. McKeeva Bush
Mrs. Daphne Orrett
Capt. Mabry Kirkconnell
Mr. Ezzard Miller

ABSTENTIONS: 6
Hon. Thomas Jefferson
Hon. Richard Ground
Hon. Lemuel Hurlston
Hon. Benson Ebanks
Hon. Norman Bodden
Hon. Vassel Johnson

PRIVATE MEMBER'S MOTION NO. 7/88 PASSED BY MAJORITY.

MR. PRESIDENT: Before we do finally adjourn, I fear that at the beginning of this last motion I erroneously did not call for a seconder to suspend Standing Orders but on the principle that all that is done in good faith is done properly, I propose to let it pass.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, the business of the House having been completed, I move the adjournment of this Honourable House until 10:00 A.M. on the 7th day of September, 1988.

QUESTION PUT: AGREED. **AT 6:07 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., WEDNESDAY, 7TH SEPTEMBER, 1988.**

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

**THIRD MEETING OF THE (1988) SESSION
WEDNESDAY, 7TH SEPTEMBER, 1988
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, OBE	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

ORDER PAPER
OF THE
HONOURABLE CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

THIRD MEETING OF THE (1988) SESSION

7TH SEPTEMBER, 1988
FIRST DAY

1. PRAYERS

To be read by the First Elected Member for the Lesser Islands.

2. OBITUARY

Minute's silence in honour of the late James M Bodden, MLA, First Elected Member for Bodden Town who passed away 7th May, 1988.

3. PRESENTATION OF PAPERS AND REPORTS

- (1) **REPORT OF THE STANDING FINANCE COMMITTEE**
(Meeting held 30th June, 1988)

TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER, CHAIRMAN OF THE STANDING FINANCE COMMITTEE.

- (2) **REPORT OF THE HOUSING DEVELOPMENT CORPORATION**
(For the year ended 30th June, 1988)

TO BE LAID ON THE TABLE BY THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL.

- (3) **REPORT OF THE AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD**
(For the year ended 31st December, 1987)

TO BE LAID ON THE TABLE BY THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL.

4. STATEMENTS BY MEMBERS OF THE GOVERNMENT

Statement on Caribbean Utilities Co. Ltd by the Honourable Third Elected Member of Executive Council.

5. 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. 12:** Can the Honourable Member state why work on the toilet and changing room facilities for the Water Cay Park which were approved by the Central Planning Authority on 10th February, 1988, has not started and what is the expected completion date?
- NO. 13:** Can the Honourable Member state the following concerning the Boat Launching Ramp build in Water Cay:
- (a) who designed the ramp;
 - (b) who built the ramp;
 - (c) what was the final cost of the ramp; and
 - (d) what is the expected completion date of the ramp?
- NO. 14:** Can the Honourable Member state the following concerning the Boat Launching Ramp built in Old Man Bay:
- (a) who designed the ramp;
 - (b) who built the ramp;
 - (c) what was the final cost of the ramp; and
 - (d) was there any penalty payment collected because the deadline for completion was not met, and, if so, how much?

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

NO. 15: Could the Honourable Member say how much water, if any, from the Government Water Scheme has been sold to Cayman Water Co. Ltd.

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

NO. 16: Could the Honourable Member say if houseparents for the Bonaventure Boys' Home have been recruited?

NO. 17: Can the Honourable Member say what is Government's present position with regard to the introduction of the Social Security Scheme?

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

NO. 18: With regard to the recent development of the North Side Public Beach, could the Honourable Member say why was the site, which has been developed, chosen instead of the other Public Beach in the area?

NO. 19: Can the Honourable Member say what is the total value of all sand removed before, and after, planning permission had been given for development of the North Side Public Beach?

NO. 20: Can the Honourable Member say what is the position with regard to the revision of the Development Plan, 1977?

6. GOVERNMENT BUSINESS

BILLS:

FIRST AND SECOND READINGS

- (1) The Notaries Public (Amendment) Bill, 1988
- (2) The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1988
- (3) The Tourism (Amendment) Bill, 1988
- (4) The Statistics (Amendment) Bill, 1988
- (5) The Customs (Amendment) Bill, 1988
- (6) The Companies (Amendment) Bill, 1988
- (7) The Elections (Amendment) Bill, 1988

COMMITTEE THEREON

- (8) The Notaries Public (Amendment) Bill, 1988
- (9) The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1988
- (10) The Tourism (Amendment) Bill, 1988
- (11) The Statistics (Amendment) Bill, 1988
- (12) The Customs (Amendment) Bill, 1988
- (13) The Companies (Amendment) Bill, 1988
- (14) The Elections (Amendment) Bill, 1988

REPORTS THEREON

- (15) The Notaries Public (Amendment) Bill, 1988
- (16) The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1988
- (17) The Tourism (Amendment) Bill, 1988
- (18) The Statistics (Amendment) Bill, 1988
- (19) The Customs (Amendment) Bill, 1988
- (20) The Companies (Amendment) Bill, 1988
- (21) The Elections (Amendment) Bill, 1988

7. OTHER BUSINESS

(I) PRIVATE MEMBERS' MOTIONS:

- (1) **PRIVATE MEMBER'S MOTION NO. 8/88**
Revision of the Caymanian Protection Law, 1984

TO BE MOVED BY THE SECOND ELECTED MEMBER FOR WEST BAY AND SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE.

- (2) **PRIVATE MEMBER'S MOTION NO. 9/88**
Social, Historical and Cultural Awareness

TO BE MOVED BY THE SECOND ELECTED MEMBER FOR WEST BAY
AND SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE.

- (3) **PRIVATE MEMBER'S MOTION NO. 11/88**
Fight Against Crime In the Cayman Islands

TO BE MOVED BY THE SECOND ELECTED MEMBER FOR BODDEN TOWN
AND SECONDED BY THE ELECTED MEMBER FOR EAST END.

(II) **PRIVATE BILLS:**

THE CHURCH ON HOSPITAL ROAD (INCORPORATION) BILL, 1988

FIRST READING

In accordance with the provisions of Standing 61(2) the question
that the promoters be allowed to proceed to be put.

With leave granted, the question that the Bill be read a First
Time to be put (Standing Order 62(2)).

SECOND READING

To stand upon the Order Paper for the following sitting.

8. ADJOURNMENT

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER, LEADER OF
GOVERNMENT BUSINESS

TABLE OF CONTENTS

	PAGE
Prayers	
Obituary for the late James M. Bodden	1
Presentation of Papers	
Report of the Standing Finance Committee	1
The Report and Audited Accounts of the Housing Development Corporation for the year ended 30th June, 1987	4
The Report and Audited Accounts of the Agricultural and Industrial Development Board for the year 1987	5
Questions to Honourable Members	
Question Nos. 12 & 13	6
Question Nos. 14 & 15	7
Question Nos. 16 & 17	8
Question No. 18	9
Question Nos. 19 & 20	10
Statement by a Member of Government Re: Caribbean Utilities Company Limited	
Hon. Capt. Charles L. Kirkconnell	10
Government Bills	
The Notaries Public (Amendment) Bill, 1988 - First and Second Readings	11
The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1988 First & Second Readings	14
The Tourism (Amendment) Bill, 1988 - First & Second Readings	14
The Statistics (Amendment) Bill, 1988 - First Reading Second Reading	21 22
The Customs (Amendment) Bill, 1988 - First & Second Readings	22
The Companies (Amendment) Bill, 1988 - First & Second Readings	23
The Elections (Amendment) Bill, 1988 - First & Second Readings	23
Committee on Bills	
The Notaries Public (Amendment) Bill, 1988	23
The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1988	24
The Tourism (Amendment) Bill, 1988	24
The Statistics (Amendment) Bill, 1988	25
The Customs (Amendment) Bill, 1988	25
The Companies (Amendment) Bill, 1988	25
The Elections (Amendment) Bill, 1988	25
Report on Bills	
The Notaries Public (Amendment) Bill, 1988	26
The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1988	26
The Tourism (Amendment) Bill, 1988	26
The Statistics (Amendment) Bill, 1988	26
The Customs (Amendment) Bill, 1988	26
The Companies (Amendment) Bill, 1988	26
The Elections (Amendment) Bill, 1988	26
Adjournment	26

WEDNESDAY
7TH SEPTEMBER, 1988

10:00 A.M.

MR. PRESIDENT:

Prayers.
The First Elected Member for the Lesser Islands.

PRAYERS

CAPT. MABRY S. KIRKCONNELL:

Let us Pray.
Almighty God, from whom all wisdom and power are

derived: We beseech Thee so to direct and prosper the deliberations of the Legislative Assembly now assembled, that all things may be ordered upon the best and surest foundations for the glory of Thy Name and for the safety, honour and welfare of the people of these Islands.

Bless our Sovereign Lady Queen Elizabeth, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, Diana Princess of Wales and all the Royal family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Members of 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 the light of His countenance upon us and give us peace now and always. Amen.

OBITUARY

MR. PRESIDENT:

Please be seated. The Assembly is in session.

Before we proceed with the business of the day, I am sure it would be the wish of Members that the House should formally record our condolences to the family of the late Mr. J.M. Bodden, who died on May the 7th. And that we should place on record the gratitude of the House for his distinguished service to the House and to the people of Cayman during his lifetime.

His funeral took place on May 12 and on that occasion eulogies were given to his memory and the Government was fully represented. We shall, I am sure, miss his penetrating contributions to the proceedings of this House.

I shall, in the usual way, ask the Clerk to convey this part of the proceedings to Mr. Bodden's widow.

PRESENTATION OF PAPERS AND REPORTS

MR. PRESIDENT:
Official Member.

Presentation of Papers. The Honourable First

REPORT OF THE STANDING FINANCE COMMITTEE

HON. THOMAS C. JEFFERSON:

Honourable House the Report of the Finance Committee.

Mr. President, I beg to lay on the Table of this

MR. PRESIDENT:

So ordered.

HON. THOMAS C. JEFFERSON:

Mr. President, the Finance Committee met on Thursday the 30 June 1988 and gave its approval for the following Supplementary Expenditure.

HEAD 01 - HIS EXCELLENCY THE GOVERNOR SUB HEAD 41-011 - GOVERNMENT STAFF HOUSING To provide additional funds for the completion of added staff facility.	CI\$	9,843.00
HEAD 04- IMMIGRATION DEPARTMENT SUB-HEAD 01-002 - OVERTIME To supplement the sum provided in the Budget to offset overtime payments to staff for the balance of the year.	CI\$	277,251.00
HEAD 04 - IMMIGRATION DEPARTMENT SUB-HEAD 07-030 JANITORIAL SERVICES To provide additional funds for the payment of the cost of water to be provided by the Water Authority.	CI\$	546.00
HEAD 07 - POLICE DEPARTMENT SUB-HEAD 07-062 - INVESTIGATIONS/POSTMORTEMS To provide additional funds to defray costs incurred for investigations carried out by the Scotland Yard officers.	CI\$	30,000.00
HEAD 10 - FINANCE AND DEVELOPMENT SUB-HEAD 01-003 - LEAVE Being 5-yearly leave passage entitlement for the Financial Secretary and his family which was up-graded in 1987 from economy to first class by air.	CI\$	10,965.00

HEAD 10. FINANCE DEPARTMENT SUB-HEAD 07-014 - FEES CONSULTANCY To provide additional funds to cover projected cost through to the end of 1988 for consultative services overseas.	CI\$	100,000.00
HEAD 10. FINANCE DEPARTMENT SUB-HEAD 07-024 - INSURANCE BUILDINGS To provide additional funds to upgrade the insurance coverage on all Government owned buildings.	CI\$	50,000.00
HEAD 10 - FINANCE DEPARTMENT SUB-HEAD 07-026 - INSURANCE VEHICLES To provide additional funds to upgrade the insurance coverage on all Government owned vehicles and including those on order in which delivery were still outstanding.	CI\$	30,000.00
HEAD 10 - FINANCE DEPARTMENT SUB-HEAD 08-035 - U.N.D.P. To provide additional funds for the payment of Governments' cost sharing contribution towards the funding of training for 1988 and to settle arrears in the amounts outstanding for 1986 - 1987.	CI\$	52,673.00
HEAD 10 - FINANCE DEPARTMENT SUB-HEAD 08-042 - CDB - UNIFIED SPECIAL DEVELOPMENT FUND To provide additional funds to offset this Government's pledge of commitment to Phase II of Caribbean Development Bank's Unified Special Development Fund.	CI\$	20,940.00
All members of the Caribbean Development Bank were requested to participate in this fund, and the fund provides financial resources to its members on soft terms.		
HEAD 10 - FINANCE DEPARTMENT SUB-HEAD 10-022 - EMERGENCY RELIEF To provide additional funds to cover incidental expenses in preparation of the hurricane season and to defray post follow-up expenses in the event of an actual hurricane.	CI\$	50,000.00
HEAD 11 - CUSTOMS DEPARTMENT SUB-HEAD 01-002 - OVERTIME To provide additional funds for the payment of overtime to staff for the balance of 1988.	CI\$	15,000.00
HEAD 14 - HEALTH EDUCATION AND SOCIAL SERVICES SUB-HEAD 08-032 - SPORTS GRANTS To provide additional funds to offset the cost of flags used for Olympic Day parade.	CI\$	1,300.00
HEAD 16 - PERSONAL HEALTH SERVICES SUB-HEAD 41-014 - MEDICAL FACILITIES To provide funds for the relocation of the Hyperbaric Chamber to a site at the George Town Hospital and for the refurbishing of the Chamber.	CI\$	80,000.00
HEAD 17 - DEPARTMENT OF SOCIAL SERVICES SUB HEAD - 01-005 - WAGES To provide additional funds to cover projected increases under the Foster Care Programme and Home Health Aid Programme through the end of 1988.	CI\$	189,303.00
HEAD 17 - DEPARTMENT OF SOCIAL SERVICES SUB-HEAD 08-045 - SCHOOL LUNCHES/UNIFORMS To provide additional funds to cover the excess sum to be incurred for the balance of 1988	CI\$	32,000.00
HEAD 19. DEPARTMENT OF AGRICULTURE SUB-HEAD 07-012 - FARM DEVELOPMENT To provide funds to cover the cost of seven months salary and other allowances to be paid to the Secretary/Manager of C.I. Farmer's Cooperative Society.	CI\$	23,360.00
HEAD 29 - PUBLIC WORKS DEPARTMENT SUB-HEAD 07-038 - MAINTENANCE - BUILDINGS To provide a revote of funds approved by the Finance Committee on 22 February 1987 to effect repairs to the George Town clock.	CI\$	7,500.00
HEAD 32 - THE REGISTRY OF COMPANIES SUB-HEAD 27-013 - OFFICE FURNITURE To provide funds for the purchase of furniture and fixtures for the newly created Marine Survey Department.	CI\$	20,000.00
HEAD 34 - INSURANCE DEPARTMENT SUB-HEAD 02-008 - MOTOR CAR UPKEEP To provide additional funds for the payment of Motor Car Upkeep Allowance to the Superintendent of Insurance for two months.	CI\$	150.00
HEAD 15 - EDUCATION DEPARTMENT SUB-HEAD 03-015 - EDUCATIONAL SUPPLIES To provide additional funds for the purchase of educational equipment needed for the implementation of the GCSE examinations.	CI\$	109,035.00

**HEAD 09 - DISTRICT ADMINISTRATION
SUB-HEAD 07-037 - MAINTENANCE HOSPITAL
AND DENTAL EQUIPMENT**

To provide additional funds for the purchase of a new set of batteries for the X-ray machine at the Faith Hospital. CI\$ 8,000.00

**HEAD 05 - LEGISLATIVE DEPARTMENT
SUB-HEAD 27-016 - OTHER FURNITURE**

To provide funds for the purchase of new furniture for the Chamber of the Legislative Building, Members' Common Room, the public gallery and the Governor's office. CI\$ 33,022.25

**HEAD 40. CAPITAL EXPENDITURE
SUB-HEAD 41-006 CONSTRUCTION OF ROADS**

To provide funds for the installation of traffic signals at North Sound Way - Crew Road junction following approval in principle by the Finance Committee on the 31st of March, 1987. CI\$ 43,000.00

TOTAL SUPPLEMENTARY EXPENDITURE APPROVED: **CI\$ 1,193,888.25**

OTHER MATTERS

The Committee also unanimously approved the following:

**HEAD 29. PUBLIC WORKS DEPARTMENT
SUB-HEAD 07-038 - MAINTENANCE BUILDINGS**

Subject to an estimate being provided arrangements should commence for the air-conditioning of the Aston Rutty Civic Centre in Cayman Brac.

HOUSING DEVELOPMENT CORPORATION

That an advance in the sum of CI\$200,000.00 be made to the Housing Development Cooperation with repayments being made upon the availability of funds through the newly created and proposed debenture issue. (SEE ITEM 6(4)).

DEBENTURE ISSUE - HOUSING DEVELOPMENT CORPORATION

That the original five per cent debenture issue be replaced by a new US\$5 million 20-year 7 1/2 per cent debenture issue.

GOVERNMENT LOAN - CAYMAN PREPARATORY SCHOOL

That a further loan of CI\$50,000.00 be made available to the Cayman Preparatory School to enable the carrying out of the necessary essential repairs to the school; and that, as requested the terms shall be:

- on an interest free basis; and
- repayable over a period of 15 years at \$278 per month.

Finance Committee also approved the resolution for the establishment of a General Reserve Fund and I shall read it just for clarity:-

"BE IT RESOLVED THAT in accordance with Section 29(1) of the Public Finance and Audit Law 1985, approval is given for the establishment of a General Reserve Fund and for the same to be made retroactive to cover such prior periods as may be necessary to give legality to the maintenance of such similar fund. The General Reserve Fund shall be maintenance in perpetuity and shall not be subject to any changes in its designation without the express approval of the Legislative Assembly. The General Reserve Fund shall be deemed to consist of a balance of \$8,386,440.03 at 1st January, 1988;

AND BE IT FURTHER RESOLVED THAT transfers into and out of the General Reserve Fund shall only be effected with the express approval of the Standing Finance Committee.

AND BE IT FURTHER RESOLVED THAT In accordance with Section 29(2) of the Public Finance and Audit Law, 1985, the earnings from interest or dividends on the investment of the General Reserve Fund balance as establishment under Section 29(1) of this Law shall be retained for the purpose of such fund;

AND BE IT FURTHER RESOLVED THAT expenses incidental to the maintenance of the General Reserve Fund, or losses arising from investments undertaken, shall be treated as charges against such fund."

MATTERS ARISING

The Committee also accepted and supported the following motions moved Mr. W. McKeever Bush:

**MOTION NO. 1
CONSTRUCTION OF A VELODROME**

"WHEREAS our people are being more involved in sports;

AND WHEREAS cycling is becoming a prominent sport.

BE IT RESOLVED THAT the Standing Finance Committee of the Cayman Islands Legislative Assembly agree that Government investigate the ways and means of building a velodrome for the progress of cycling in the Islands."

**MOTION NO. 2
COMPLETION OF THE WEST BAY PLAYING FIELD.**

"BE IT RESOLVED THAT the Standing Finance Committee of the Cayman Islands Legislative Assembly agree to complete the football field which is presently under construction in West Bay subject to the estimated cost being put forward by the Public Works Department."

**MOTION NO. 3
GOVERNMENT'S ASSISTANT TO THE
FOOTBALL ASSOCIATION AND SIMILAR ORGANISATIONS
IN CAYMAN BRAC.**

"BE IT RESOLVED THAT the Finance Committee agree to help the Cayman Islands Football Association and similar organisations in Cayman Brac with their expenses which they are incurring for the development of football and subject to the approval of the relevant portfolio."

REPORT TO THE HOUSE:

The Committee agrees that this Report be the Report of the Standing Finance Committee to be laid on the Table of the Legislative Assembly.

MR. PRESIDENT:
Executive Council.

Papers. The Honourable Fourth Elected Member of

**THE REPORT AND AUDITED ACCOUNTS OF THE HOUSING
DEVELOPMENT CORPORATION FOR THE YEAR ENDED 30TH JUNE, 1987**

HON. VASSEL G. JOHNSON: Mr. President, Honourable Members - I beg to lay on the Table of this Honourable House the Report and Audited Accounts of the Housing Development Corporation for the year ended 30th of June, 1988.

MR. PRESIDENT: So ordered.

HON. VASSEL G. JOHNSON: Mr. President, In laying on the Table of this Honourable House the Report of the Housing Development Corporation, I would like to make a few brief comments on the operation of the Corporation.

The year under review has been one of concentration largely directed at the raising of additional funds for the business of the Corporation. The balance of available cash resources for lending became exhausted before the end of the year under review, I would say, and the Board had to embark on plans which included efforts aimed at recommending to Government the issue of a new debenture stock to raise funds from local institutions because the current five per cent stock which was issued in 1984 apparently reached the life of its usefulness and was generating no funds at all.

In the meantime we had to also request of Government an advance in the sum of \$200,000 to assist the Corporation in the interim that the new debenture stock was issued. I can state, at this moment, that both the advance and the new seven and half per cent debenture stock have been approved by Finance Committee for which we are truly grateful.

Mr. President, steps were also taken during the year under review, to start a publicity campaign so that the lower income Caymanians could be aware of the facilities available to assist their housing needs. Besides press releases, a brochure was developed which sets out the role and functions of the Corporation. It also gave details of the terms, conditions and range of loans available for the purpose for which the funds are provided.

The Corporation, which was established in 1981 and began its lending operation in 1984, provides mortgage loans to assist borrowers in the low to middle income group to own their own homes. I should say that the Corporation is really not a charitable institution, it is a commercial venture instead which must stand on its own financially and so its loans must be repaid, as in the case of other lending organisations.

The Corporation was fortunate during the year to recruit an experienced accountant who was formerly a senior officer from the Audit Department of Jamaica. This completed the staff complement of the office which shares administration with the Agricultural and Industrial Development Board and that Report will be laid on the Table of this Honourable House shortly.

The financial position of the Housing Development Corporation is still improving. The deficit of \$82,140 as of the 30th June, 1985 has now been reduced to \$19,581. With this continued improvement, it is likely that in the near future the Board will consider increased provisions for bad debts and debenture redemption reserves because the money that we raised from the debenture issues has got to be repaid at the end of the debenture life. In such cases it is prudent, important and necessary for redemption reserves to be created so that when the redemption comes, money will be available for the purpose.

There is also to be dealt with the sum of \$137,000 advanced by Government in 1983 to assist as a start up Budget of the Corporation which advance was converted by the authority of Finance Committee in 1985 and employed as Government's equity contribution to the Corporation.

However, unfortunately it was discovered later that this was not possible. It was confirmed by the Auditor General that the Corporation, unlike that of a company, is created by a specific Law and therefore does not provide for an equity. That is to say a share capital where shares can be issued to the owners.

In the circumstances it is the Board's intention to request Finance Committee to treat the \$137,000 as a grant to the Corporation and in which case these funds could be utilised right away to start the redemption reserves for the debenture loans which is due to be paid at the end of the 16 years from now.

Mr. President, I must pay special tribute to the Members of the Board of the Corporation who have given excellent free service to the Corporation. I know that there are quite a lot of free services from the public serving on Government Boards and Corporation and Committees and the Housing Development Corporation is one of those. We are very grateful to those who serve on the Board for their excellent service.

I would also like to extend my gratitude to the General Manager and her staff who have been very loyal and devoted to their duty and I hope that they will continue that excellent service.

I would also like to thank the Cayman Islands Government and the local institutions as well for their tremendous role in assisting the progress of the Housing Development Corporation in providing financing and other services over the past years since its inception and

which has caused the Corporation to make the progress it has since that time. For all these services I am most grateful.

Thank you very much.

MR. PRESIDENT:
Executive Council.

Papers. The Honourable Fourth Elected Member of

THE REPORT AND AUDITED ACCOUNTS OF THE AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD FOR THE YEAR 1987

HON. VASSEL G. JOHNSON: Mr. President, I would beg to lay on the table of this Honourable House the Report and Audited Accounts of the Agricultural and Industrial Development Board for the year 1987, in accordance with the provisions of Section 20 of the Agricultural and Development Aid Law, 1978.

MR. PRESIDENT:

So ordered.

HON. VASSEL G. JOHNSON: Mr. President, I would like, as in the case of the Housing Development Corporation, to make a few comments on the functions and administration of the Agricultural and Industrial Development Board for the year under review, 1987, the calendar year. The details of the Report can be obtained from the presentation of the Papers laid on the table.

The function of the Corporation is to promote economic development and to assist persons pursuing higher education abroad. This is one of the last functions which the Board had taken on and is done in conjunction with the Education Council. However, the Board has now been made responsible to the Caribbean Development Bank for what is known as the Student Loan Scheme Programme. This programme has generated a great deal of interest both from scholarship and private students.

Loans approved during 1987 were mainly to scholarship students who use the funds to bridge the gap of their financing from Government and otherwise. Four loans were granted to private students.

Though the programme is considered successful it is limited by the amount of financing available for pursuing studies at institutions in the United States and Canada, because under the Caribbean Development Bank's programme the patronising of regional institution is encouraged.

The student loan component has now been fully committed for the financing of programmes at extra regional institutions. In order to avoid a discontinuation of our services for educational purposes, the Board is now utilising its own resources for this purpose.

The students loans which were approved during 1987 cover a wide scope of educational programmes. Some of these included degrees in social work, business management, elementary and secondary education, construction engineering, accounting and computer engineering technology.

The Institution, that is Agricultural and Industrial Development Board (AIDB), works closely, as I said before, in conjunction with the Education Department in this Student Loan Scheme Programme.

The Institution acts as a catalyst for development by providing medium to long term development credit, particularly to small businesses which in many instances would be unable to qualify for commercial bank financing for one reason or the other. The Board who derives the bulk of its financial resources from the Caribbean Development Bank differs from the commercial banks in that it assesses projects not only in terms of their financial viability, but also in terms of the contribution which they make to the economic development of the Islands. The Board's role is therefore to supplement and compliment that of the commercial banks.

The operation of the AIDB for the year 1987 has been one of remarkable growth and achievement. The Board continued to provide financing for projects which can make a positive impact on the economic development of the Islands. The Caribbean Development Bank continues to be AIDB's primary source of funding. Four lines of credit have been extended amounting to \$1,721,202 which includes two for small industries, one for farm development and one for agriculture and industry.

The lines of credit for small industry and farm improvement were exhausted or committed in previous years. The funding for the 1987 loan approval was from the agricultural and industrial line of credit. This line of credit amounted to US\$1.1 million and included a student loan scheme component of US\$300,000.

During the year a total of 26 loans to persons throughout the Cayman Islands were approved, amounting to \$265,796 of which 72 per cent were educational loans, 21 per cent industrial and 7 per cent agriculture.

At the end of 1987 the total net loans approved by AIDB were 75, amounting to \$1,631,819 of which 44.6 per cent was approved for small industry and 36.7 per cent for agriculture; the student loans, 11.9 per cent and others 6.8 per cent.

In accessing projects, the AIDB undertakes a comprehensive appraisal to test their technical and financial soundness as well as their economic viability. After implementation, the Board monitors and supervises these projects. Strong emphasis is placed on proper loan supervision as it is only by the project achieving its objective that the Board can ensure an acceptable rate of return on its investment. Many projects are operating successfully. There are a few which experienced difficulties and workable solutions were found to resolved the majority of these problems.

At the 31st December, 1987 the total asset liability of the Board stood at \$1,393,366, an increase of 7 per cent over the 1986 figures. At the year's end there was an increase of the loan portfolio by 2 per cent to \$823,575. Loans, however, which were approved during 1987 amounted to \$265,796. No additional provision was made for bad debt or doubtful debt in 1987 as a review of the loan portfolio revealed that the amount of \$17,141 set aside in 1986 was quite adequate.

I would like to place on record my grateful thanks to members of the Board of Directors of the AIDB for their excellent performance and attendance to the business of the Board, also to the staff for their unfailing loyalty and performance in the administration policies approved from time to time by the Board.

I also wish to state the Board's deep gratitude to this Government, to Caribbean Development Bank and the local financial institutions for their cooperation and assistance over the years.

Thank you, Sir.

MR. PRESIDENT:
will come after questions in accordance with Standing Orders.

The Statement down as Item 4 on the Order Paper so we will move to questions.
The Elected Member for North Side.

QUESTIONS TO HONOURABLE MEMBERS

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

NO. 12: Can the Honourable Member state why work on the toilet and changing room facilities for the Water Cay Park which were approved by the Central Planning Authority on 10th February, 1988, has not started and what is the expected completion date?

ANSWER: The application approved by the Central Planning Authority on the 10th February, 1988 was not made by Public Works Department. Public Works Department completed the drawings for the project in June 1988.

The project was let to competitive tender in early July 1988. Of six (6) tenders invited, only two (2) were received by the deadline of 2nd August, 1988. A contract was awarded to the lowest tender on the 18th August, 1988. Completion is scheduled for 8th December, 1988.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: Mr. President, can the Member state who provided the plans that were submitted to the Planning Authority on the 10 February 1988?

HON. CAPT. CHARLES KIRKCONNELL: Mr. President, it was the Member for North Side.

MR. D. EZZARD MILLER: I beg to differ, Sir, but I was simply the courier of the plans. The plans were provided by the Public Works Department. They were photocopied at the Public Works Department and I was simply the courier.

MR. PRESIDENT: Sorry that is a statement but perhaps you could rephrase it as a question, would you?

MR. D. EZZARD MILLER: Can the Member state that if Public Works Department have in fact submitted plans for this facility without consulting the Member for the district in which it is going to be built?

HON. CAPT. CHARLES KIRKCONNELL: Mr. President, I am unclear about this question. I went into it yesterday and I cannot get any specific reply.

MR. D. EZZARD MILLER: A further supplementary, Mr. President. Is the Member aware and could he further check out that as at 9:35 A.M. today the 7 September 1988, the Public Works Department has not submitted plans to the Plumbing Department and therefore permission has not been granted?

HON. CAPT. CHARLES KIRKCONNELL: I am not aware of this, Sir.

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

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if the plans prepared in June, 1988 have been submitted to Central Planning Authority and approved?

HON. CAPT. CHARLES KIRKCONNELL: Mr. President, the plans submitted in February had to be modified to certain details the plumbing systems as was necessary, because they found problems with the West Bay facility. The plan which they used, I understand, was a West Bay facility beach house and there had to be modifications made to it.

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

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

NO. 13. Can the Honourable Member state the following concerning the boat launching ramp built in Water Cay:

- (a) Who designed the ramp;
- (b) Who built the ramp;
- (c) What was the final cost of the ramp; and
- (d) What is the expected completion date of the ramp?

ANSWER: (a) The ramp was designed by the Public Works Department;
(b) The ramp was built by contractor Panda Construction under the supervision of the Public Works Department (PWD). Tenders were invited from four North Side contractors and Panda Construction was the lowest bidder;
(c) The final cost of the ramp was \$5,200.00 and the contracted works on the ramp were completed in January 1988.

However, following the completion of the contract Public Works Department carried out two items of work to improve performance and safety of the ramp:

- (i) The surface of the ramp was chipped to improve friction; and
- (ii) A wheel stop was fixed to the end of the ramp to prevent boat trailers travelling off the end of the ramp.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

MR. D. EZZARD MILLER: Supplementary, Mr. President.
Is the Honourable Member aware that as the Member for the district of North Side I objected strongly to the design of this ramp to the Chief Engineer of Public Works Department and to the architect who designed it?

HON. CAPT. CHARLES L. KIRKCONNELL: Yes, Mr. President, I am aware of it.

MR. D. EZZARD MILLER: Supplementary, Mr. President.
In Section 3(b) of the answer given its says a wheel stop was fixed to the end of the ramp to prevent boat trailers travelling off the end of the ramp. Can the Member say if that is the work that was done this week?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, that is correct. The work was to be completed on this yesterday.

MR. G. HAIG BODDEN: Mr. President, can the Member say if the cost of the work which was done by Public Works after the completion of the ramp by the contractors was paid for by the contractors or by Public Works?

HON. CAPT. CHARLES L. KIRKCONNELL: It was paid for, Sir, by the Public Works Department.

MR. PRESIDENT: Question Number 14, The Elected Member for North Side, please.

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

NO. 14: Can the Honourable Member state the following concerning the boat launching ramp built in Old Man Bay.

- (a) Who designed the ramp;
- (b) Who built the ramp;
- (c) What was the final cost of the ramp; and was there any penalty payment collected because the deadline for completion was not met, and, if so, how much?

ANSWER: (a) The ramp was designed by the Public Works Department (PWD);
(b) The ramp was built by contractor Panda Construction under the supervision of PWD. Tenders were invited from four North Side contractors, and Panda Construction was the lowest bidder;
(c) The final cost of the ramp was \$10,573.86; and
(d) No penalty payment was collected. The contract works were completed nine working days later than the contractual completion date. Due to an increased scope of work and the fact that weather conditions did not permit work on the ramp for several days during the contract period, it was decided inappropriate to levy penalty payments.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: A supplementary, Mr. President.
I wonder if the Member could seek clarification because I believe the cost of the two ramps have been mixed up. He can give me that in writing after the sitting.

HON. CAPT. CHARLES L. KIRKCONNELL: Yes, Mr. President, I am giving the answers that I have received.

MR. PRESIDENT: Well perhaps if there is a query would you confirm in writing later on?

HON. CAPT. CHARLES L. KIRKCONNELL: Yes, Mr. President.

MR. PRESIDENT: Thank you.
Any other supplementaries? In that case we move to question No. 15. 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. 15: Could the Honourable Member say how much water, if any, from the Government water scheme has been sold to Cayman Water Co. Ltd.?

ANSWER: The Water Authority has sold 3,935,976 (US) gallons of water to Cayman Water Co. Ltd. between the 11 May and 31 August, 1988.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could say whether there were royalty charges on this water and if he could also state the amount per gallon as sold to the Water Company?

HON. VASSEL G. JOHNSON: Mr. President, the Water Authority sells water to Cayman Water Company at the price that it charges the truckers. And that price is \$12.12 per thousand US gallons. Cayman Water Company under their franchise, regardless of where they obtain water, must pay a royalty to Government on the water that it sells. The normal royalty paid to Government on the water which has been purchased from the Water Authority would be in the vicinity of slightly over \$5,000.

MR. PRESIDENT: It appears to be no further supplementaries. The Elected Member for East End to ask question Number 16.

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

NO. 16: Could the Honourable Member say if Houseparents for the Bonaventure Boys' Home have been recruited?

ANSWER: Houseparents have not been recruited for the Bonaventure Boys' Home. The recruitment to fill the vacancies will be conducted on 8, 9 and 12 September 1988.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could state the period for which the Home has been without Houseparents?

HON. BENSON O. EBANKS: Mr. President, the substantive post of Houseparents has been vacant since the end of December, but of course alternative arrangements were made by the Department of Social Services to cater for the running of the home.

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

MR. G. HAIG BODDEN: Mr. President, can the Member tell us why it has taken so long to find Houseparents for the Bonaventure Home?

HON. BENSON O. EBANKS: Mr. President, to begin with the parents left without giving any notice. Beyond that, of course, recruitment does not really fall directly under me so I am unable to say specifically why recruitment has not been able to take place before.

MR. G. HAIG BODDEN: Mr. President, can the Member tell us what efforts and where they have advertised for Houseparents? Can he tell us what efforts have been made to recruit?

HON. BENSON O. EBANKS: To the best of my knowledge, Mr. President, advertisements have been placed throughout the Caribbean region as well as North America.

MR. G. HAIG BODDEN: Mr. President, may I ask if any have been placed in the local papers?

HON. BENSON O. EBANKS: I could not say with certainty, but I would assume so.

MR. G. HAIG BODDEN: Mr. President, can he tell us if any effort has been made to recruit Caymanians for this job as was done for the Francis Bodden Girls Home?

HON. BENSON O. EBANKS: No, Mr. President, I am unable to confirm whether it has or has not at this point.

MR. PRESIDENT: Perhaps you could provide the information in writing later on because there are well established procedures for this.

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

HON. THOMAS C. JEFFERSON: Mr. President my watch says it is 11 o'clock, and with the permission of the House I would move the suspension of Standing Order 23(7) to allow the remaining questions to be taken today.

MR. PRESIDENT: The Motion is that Standing Order 23(7) be suspended to enable the remaining questions on the Order Paper to be taken.

QUESTION PUT: AGREED.

SUPPLEMENTARIES CONTINUING:

MR. PRESIDENT: We were, I think, about to get another supplementary on that question. The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could say whether Government has been able to determine why the parents have left without notice?

HON. BENSON O. EBANKS: Mr. President, I am sure there was no specific reason given, the parents just up and left. In fact, no one knew they were going until they had already left the island.

MR. PRESIDENT: Right. Shall we move on then to Number 17? 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. 17: Can the Honourable Member say what is Government's present position with regard to the introduction of the Social Security scheme?

ANSWER: As mentioned in my statement made in this Honourable House on the 18 February 1988, no further action to implement the proposed National Security Scheme will be taken until a detailed study of the question of portability has taken place and a resolution, satisfactory to the majority of the general populace, is subsequently found through the widest possible consultations.

In reality, this means that no decision will be made before the General Elections as it is considered impracticable to have meaningful consultations in an election campaign atmosphere.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

MR. JOHN B. MCLEAN: Not really, Sir, it is just what I expected in the last paragraph. Thank you.

MR. PRESIDENT: I am sure that comment is accepted in the spirit in which it was given.

MR. G. HAIG BODDEN: Mr. President, I wonder if the Member would explain what the election campaign has to do with the Social Security Scheme?

HON. BENSON O. EBANKS: The intention is given in the answer. It is because it is considered impractical to have meaningful consultations in an election campaign atmosphere. In other words, there are people who, instead of viewing the proposal objectively, will use it as campaign fodder and introduce campaign rhetoric.

MR. G. HAIG BODDEN: Mr. President, can I ask the Member if he is saying that he is afraid that his action or actions with regard to the Social Security Scheme will affect the Election results? Is that what he is saying?

HON. BENSON O. EBANKS: No, I am saying that I want to be sure that the decision on the proposed Social Security Scheme, is taken with due consideration without regard given by anyone to the pending forthcoming Election.

MR. G. HAIG BODDEN: Mr. President, this is a question. Since he has been studying this Scheme for the last four years, will he tell us why he has not yet resolved the question of portability?

HON. BENSON O. EBANKS: The statement in February, Mr. President, indicated that that was a new introduction into the proposed Scheme and that it was complicated and would take time to study.

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

NO. 18: With regard to the recent development of the North Side Public Beach, could the Honourable Member say why was the site which has been developed chosen instead of the other public beach in the area?

ANSWER: The Portfolio's understanding is that the site was elected by the North Side Civic Action Committee, to whom the licence to develop the beach was granted. The Portfolio itself had no involvement in the selection process.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, will the Member say if he is aware that the other site is more suitable than the one which has been developed?

HON. VASSEL G. JOHNSON: Mr. President, I took for granted that the North Side Civic Action Committee examined all the possible beach sites in that district before a decision was made to choose the one which was developed. As I understand it the public beach at Water Cay is suited for what it is now being developed for and that is for toilet facilities and a boat ramp.

and nobody will use it for bathing. And I imagine that that was the reason why the North Side Civic Action Committee chose a beach that people could use and enjoy.

I was astonished at the opening of that beach, which is a beautiful and a lovely development. I would dare say that it is the best developed public beach in the country. I was astonished at the opening of that facility that I did not see more Members there than there were. There were probably just two of us there along with the Member from North Side. But it would do their hearts well to go there and look at that beach and use it because it is a beautiful place.

MR. G. HAIG BODDEN: Mr. President, I will not be drawn into any politics. I would like to ask the Member if he is aware that the beach that I referred to was not the Water Cay beach but another site. Travelling from Old Man Bay to North Side you would get to it before getting to the one that has been developed. I was not referring to the Water Cay beach at all. Is he aware that there is another site?

HON. VASSEL G. JOHNSON: I am quite aware, Mr. President, that there is another site, but there again the beach is being developed for the people who live in that district. Of course they do not mind others coming and using it. But I imagine that they should have the prerogative of deciding which of those sites would suit the development, which they have done.

MR. G. HAIG BODDEN: Mr. President, can he describe for us as graphically as he did the Water Cay beach the other site? Can he now describe that?

HON. VASSEL G. JOHNSON: I understand, Mr. President, that the waters at that site is shallow and it is not really suited for the sort of use which this other developed beach is used for. It is perhaps good for toilet facilities. I doubt very much that the boat ramp could be built there.

MR. PRESIDENT: The Elected Member for North Side, I think.

MR. D. EZZARD MILLER: Mr. President, could the Member state whether he is aware that the site to which the Second Elected Member from Bodden Town is referring is, in fact, waiting to be dredged for a channel for boats before any developments can take place?

HON. VASSEL G. JOHNSON: Mr. President, I am not aware of it because I have not seen the application yet, but that could be so.

MR. PRESIDENT: Shall we move on to question Number 19, the

Second Elected Member for Bodden Town.

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

NO. 19: Can the Honourable Member say what is the total value of all sand removed before and after planning permission had been given for development of the North Side public beach?

ANSWER: Total value of all sand removed was approximately \$10,059.00, based on a quantity of 379.6 cubic yards of sand at \$26.50 per cubic yard.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries the Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, could the Member state whether he is aware of the fact that the company Cayman Allied Concrete who received this \$10,059.00 of sand donated \$14,000.00 plus in concrete, eight inch blocks, five/eighth steel, dry cement and other material used in the development of the site?

HON. VASSEL G. JOHNSON: Mr. President, I was not aware the amount granted by Cayman Allied Concrete, but what I am aware of is that that project cost something in the vicinity of \$25,000.00 and that Government did not make any contribution to the cost of it.

MR. PRESIDENT: Question number 20, please, the Second Elected Member for Bodden Town.

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

NO. 20. Can the Honourable Member say what is the position with regard to the revision of The Development Plan, 1977?

ANSWER: The exercise on the Development Plan review, which began in latter 1986, is still in progress and should be completed by early 1989. Delay in the process was due largely to the Department of Planning being without a Director for well over a year. Also included in the exercise are preparations of Development Plans for Cayman Brac and Little Cayman.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Member how long has it been since the new Director has been in the post?

HON. VASSEL G. JOHNSON: Just one year, Sir.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, could the Member state whether the fact that the Development Plan not having been reviewed as scheduled by Law at the frequency to which it should have been in the past therefore made the task so much greater at this time?

HON VASSEL G. JOHNSON: That is quite true, Mr. President. The Plan was due for review in 1982. In 1986 when we decided to start the review had to cover a period more like 15 years than the five years which it was due for review. In other words, the Plan is reviewed every five years and at that stage the review had to be projected over a longer period and the period was 10 years.

MR. G. HAIG BODDEN: Mr. President, can he tell us if it is because the Plan was so good that he let it run 10 years?

HON. VASSEL G. JOHNSON: Mr. President, the Member should be able to answer that himself because it was during his administration that it was due for review.

MR. PRESIDENT: Proceedings are suspended for 15 minutes.

AT 11:19 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 12:08 P.M.

MR. PRESIDENT: Proceedings are resumed.
Statement by a Member of the Government - The Honourable the Third Elected Member of Executive Council.

STATEMENT BY A MEMBER OF GOVERNMENT
- CARIBBEAN UTILITIES COMPANY LIMITED -

HON. CAPT. CHARLES L KIRKCONNELL: Mr. President, Caribbean Utilities Company Limited. The Government approved a 3.5 per cent base rate increase effective 1 August 1988, in accordance with the provisions of section 7(4) of the licence agreement granted to Caribbean Utilities Company Limited (CUC) on the 17 January 1986.

This increase has caused some concern and debate over the past month. My Portfolio has also received many queries in regard to the increase and the extra charges being made by the Company in respect of capital cost for extension of lines along public roads.

The policy of the Company up to the present time has been to charge consumers the extra amount for providing their service if the consumer is beyond existing supply lines. For example, along the Queen's Highway the supply lines stopped at both end. The residents in that

area had to pay for the cost of extending the lines to their houses. This has been the subject of representation to Government by disgruntled customers and it was proposed to raise this matter with the Company at a time when other relevant matters were to be discussed.

However, consequent on a Motion being proposed by Mr. McKeeva Bush and seconded by Mr. Ezzard Miller, a greater degree of urgency was injected into the matter with the result that a meeting was convened with the management of Caribbean Utilities Company Limited to discuss the issue.

I am happy to report that the Company has agreed to change its policy and will in the future, extend its line service along all public roads which have been gazetted upon application without making an additional charge to the consumer.

This new policy is to become effective immediately and applies to existing Government roads which do not have electricity supply available and future roads to be built or acquired by the Government. This policy, however, does not apply to private roads.

At first glance the rate of increase charged by Caribbean Utilities Company Limited may seem unreasonable, but the increase is only a normal one and is in accordance with the terms of the franchise.

The 15 per cent return on the rate base was allowed to the Company under the amended licence and is typical of that allowed to utilities of similar size to CUC in the United States. In fact, the whole system of accounting, including the procedure for calculating any rate increase or decrease, which the Government now requires CUC to use is based upon that mandated by the US Federal Power Commission. The reason for this is that in many ways CUC closely resembles a small U.S. electric utility company and of course, the Federal Power Commission system is well tried and tested.

I might also explain that the 15 per cent rate of return and the adoption of the Federal Power Commission system were not based on arbitrary or illusory consideration, but on the advice of a United Nation consultant.

The new licence agreement provides for a 13 cents import duty to be paid to the Cayman Islands Government on every imperial gallon of diesel oil which it consumes, 10 per cent on all machinery, materials, equipment, lubricating oil, lubricants and transformer oil, also an annual fee of five eighths of one per cent of the total revenue from buildings for electricity consumed.

Under the old licence the Company did not have to pay any duty to Government and there was only a small annual fee. These charges have resulted in revenue of \$3,450,000 to the Cayman Islands Government since the new licence came into effect on the 17 January 1986.

Last year the Company spent C\$7.7 million on capital projects because there has been a dramatic and sustained increase in demand for electricity on Grand Cayman.

The historical average annual increase has been 15 per cent. But last year generation increased to almost 17.5 per cent. Unlike the situation that exists in larger metropolitan countries there are no other electrical utility company in Grand Cayman from which Caribbean Utilities Company Limited can purchase additional power. Therefore, it must provide all the power which is required to meet the demand of the growing economy.

There have also been comments about the rate paid by consumers in Grand Cayman. However, when compared with other small territories in the region, we find the consumers of Grand Cayman paying less than other territories such as the Bahamas, Bermuda, Barbados, and Montserrat. The prevailing rates in the various territories are as follows:

Bahamas	-	14.37 cents per kilowatt hour,
Barbados	-	13.84 cents per kilowatt hour,
Bermuda	-	19.09 cents per kilowatt hour,
Montserrat	-	20.75 cents per kilowatt hour,
Grand Cayman	-	13.82 cents per kilowatt hour.

It might also be of interest to point out that electricity rates in Grand Cayman have increased by a total of only 38 per cent since 1979, including the most recent 3.5 per cent increase. This is an average of 3.6 per cent a year which was consistently below the Consumer Price Index.

Mr. President, I hope these facts will put to rest the wild and irresponsible statements that the Government has allowed Caribbean Utilities Company Limited full reign to do as it pleases. This is further evidence of the prudent and responsible manner in which this administration has administered the affairs of the country.

Thank you.

GOVERNMENT BUSINESS

BILLS

FIRST AND SECOND READINGS

MR. PRESIDENT: Item 6 of the business of the day. Bills, First Reading.

**THE NOTARIES PUBLIC (AMENDMENT) BILL, 1988.
FIRST READING**

CLERK: The Notaries Public (Amendment) Bill, 1988.

MR. PRESIDENT: A Bill entitled The Notaries Public (Amendment) Bill, 1988 is deemed to be read a first time and is set down for Second Reading.

SECOND READING

CLERK: The Notaries Public (Amendment) Bill, 1988

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 Notaries Public Law, 1982.

I can perhaps best begin by reading the substantive section of this very short Bill. And it reads;

"That notwithstanding subsection 1 and 2....."

Well, let me just back track a moment and say that it is to amend Section 10 of the existing Law by inserting a new section 2(a), and that new section begins:

" Not withstanding subsections 1 and 2,"

and I will explain those in a moment,

"The Governor may revoke the appointment of any Notary Public if he is of the opinion that for whatever reason, that the Notary is unfit incapable or incompetent to discharge the duties of his office and in such case shall direct the Clerk to remove the name of that Notary Public from the Register."

Then there is a consequential amendment which I do not think I need to go into.

The most important point I would make at this stage is that the power to revoke is conferred upon the Governor, and Governor in the Notaries Public Law is just that. The Governor is not defined as the Governor in Council.

Now the present position as to the removal or revocation of a Notary is contained in Section 10 of the existing Law. There are three ways in which a Notary may at present be removed. He may be removed if he is convicted of any offence punishable with an imprisonment or is judged guilty of misconduct before a court.

Secondly, he can be removed if a private individual makes a complaint on oath charging the Notary with misconduct in his capacity as a Notary Public. Thirdly, under a recent Amendment the Clerk has power to remove the Notary's name from the Roll if he has been resident outside the Islands from the preceding 12 months.

Now the essence of those powers to remove are that either the Notary has to be convicted of an offence or somebody has to come along and make a complaint on oath that he has miscondacted himself in his capacity as a Notary. In other words, he has done something wrong when purporting to act as a Notary.

Now a moment's thought will make it apparent that that leaves open wide areas in which a Notary may misconduct himself, but at present as the Law is currently framed, that misconduct will not lead to the revocation of his appointment.

It matters not how mad, bad, dishonest, disreputable, incompetent or incapable a Notary Public is or becomes, unless he is caught by the Court and convicted or unless he misconducts himself in his office and somebody makes a formal complaint on oath, there is nothing that anybody can do about it.

There is nothing anyone can do about it. He may conduct himself in his business affairs in such a way that it becomes apparent that he could not be trusted to discharge the high responsibilities of his office and there is nothing anybody can do about it. It is to plug that loop hole that this amendment has brought.

Perhaps, I might just say a word about the importance of Notaries and those high duties that I just mentioned. The Notary Public is responsible for doing a variety of things relating to the authenticating and probating of documents. Some of them are set out in the Fifth Schedule to the Law where fees are prescribed.

Perhaps I might just summerise them by saying that a Notary can probate important public documents and this includes deeds, which, once probated by him, take on a life of their own and can prove themselves in court. He can probate the land transfer forms used in the Land Registry and the signatures of those forms are obliged to appear in front of either a Notary or a Justice of the Peace to so probate them. This is an important, indeed a vital safeguard against fraud in land transfers and if the Notary inadequately or improperly discharges his duties in that regard the possibility of abuse of the Register in the evasion of Stamp Duties arises.

The Notary also probates documents for use abroad. One of the things in which he can charge a fee is the administration of oath when it is required by the Law of a foreign country and much, I believe, of the work of Notaries in this Island revolves around formally notarising documents that are to go to other jurisdictions. I hardly need to point out if that is done improperly by a Notary that the reputation of the Islands is on line there.

So against that background I would submit to the House that it is important, indeed vital that those appointed to be Notaries are and continue to be absolutely trustworthy and above reproach. In this respect their office is, in a way, a quasi-judicial office.

Mr. President, that brings me back to a point I made earlier. It will be for the Governor to disappoint Notaries as it is presently for the Governor to appoint Notaries under the Law. The usual role is that he who appoints, has the power to disappoint or to remove the appointment and that rule would be applied to the office of a Notary by the enactment of the Law proposed by this Bill.

MR. PRESIDENT:
Public (Amendment) Bill, 1988 be given a Second Reading.
Member for Bodden Town.

The question is that a Bill entitled The Notaries Public (Amendment) Bill, 1988 be given a Second Reading.
The Motion is open for debate. The Second Elected

MR. G. HAIG BODDEN:
should have been brought without any mention of an appeal.

Mr. President, I am surprised that this amendment

thing we did sometime ago to another Law in which we amended the Law so that a taxi driver's licence could be suspended if the Commissioner was satisfied that there was something wrong. There were no provision of an appeal.

It seem to me we are doing with this Law the same

In the Law as it stands, as the Second Official Member pointed out, the Governor can now revoke a Notary appointment if certain conditions exist such as if the Notary is convicted or if somebody has made a complaint on oath or if the Notary is resident outside the Islands. This amendment would take it further where the Governor could now revoke the appointment if the Governor is of the opinion that for whatever reason he is unfit, incapable or incompetent to discharge the duties.

My contention is that where there is no provision for appeal it is always open to abuse. It is true that the Second Official Member may argue in reply that any matter can go through a prerogative Writ to appeal. But we know full well that this custom is as ancient as the hills, is outmoded to a certain degree and does not suit the application of our modern laws.

This is borne out by the fact that in nearly every law which comes before the House, the law specifically makes mention that there can be an appeal. If that route was taken it is a very cumbersome procedure and would involve a lengthy hearing just to find out whether the person could get permission to make the appeal or not.

I am personally against any action or any law which makes provision for an appeal and I certainly will not support the amendment unless the Bill is amended to make provision for an appeal.

MR. PRESIDENT:
CAPT. MABRY S. KIRKCONNELL:

The First Elected Member for the Lesser Islands.
Mr. President, I rise to support a Bill for a Law to

amend The Notaries Public Law, 1982.

I am a Notary Public. I realise the seriousness of the responsibility and, as the Memorandum of Objects and Reasons clearly state, this Bill seeks to confer on the Governor the power to revoke the appointment of a Notary in the case where he considers a Notary Public is unfit, incapable or incompetent to discharge the duties of his office. I have full confidence in the judgement of His Excellency the Governor. And I feel that in order to preserved the integrity of Notaries in the Cayman Islands this amendment is necessary.

I give this Bill my full support.

MR. PRESIDENT:

Does any other Member wish to speak?

MR. LINFORD A. PIERSON:

Mr. President, I did not intended to speak on this very short Bill as I had thought that it would have received the unanimous support of this House. But however well intentioned Bills are that are brought here I am sure that there will be objections and so it should be in a democracy.

As a Justice of the Peace and a Notary Public, I am

very pleased that Government saw fit to bring this amendment at this time.

As was stated in the Memorandum of Objects and Reason, this Bill seeks to confer on the Governor the power to revoke the appointment of a Notary Public in any case where he considers the Notary Public is unfit, incapable or incompetent to discharge the duties of his office. And so it should be. There is no reason why Notary Publics should be allowed to practise on the island if they are incompetent or incapable of providing the services for which they were appointed.

As I said, I give this Bill my full support and I am glad that it was brought to the House at this time.

Thank you, Sir.

MR. PRESIDENT:

Would the Mover wish to reply?

HON. RICHARD W. GROUND:

spoken in support of the principle behind this Bill.

Mr. President, I am grateful for those that have

with the form of it because it lacks the right of an appeal, although I did not understand him to say that he objected to the principle behind it. I would have submitted to him that in a case like that, where it is a matter of adding something to a Bill, rather than objecting to the principle, that every Member of the House has a means of bringing forward that point by way of a Committee Stage Amendment.

One Member has indicated that he has problems

22 June, so a great deal of notice has been given of this. If an amendment had been brought forward earlier, suggesting an appeal, that could have been given proper and due consideration.

This Bill has been published, my copy I got on the

not think it adds to the substance of the Bill and it is not something that need be argued at the Second Reading Debate.

I do not want to address it further at this stage. I do

Town perhaps suggested, going to say that in this case a prerogative Writ will fill the place of an appeal. In many cases prerogative Writs are available and do do that. The prerogative Writ is a dynamic and evolving remedy that is by no means so ancient and archaic as the Member suggests.

I am not however, as the Member from Bodden

that was in fact, reported in the paper this morning. It was a judgement of the Chief Justice holding that His Excellency The Governor as Her Majesty's representative is not amenable to and cannot be challenged on such a Writ.

However it is limited. I think there is one limitation

as an explanation as to why there is no appeal but I would urge the acceptance of the Bill at this stage on the principles that Notaries should be subject to this sort of review.

I am certainly not going to advance that argument

MR. PRESIDENT:

I shall now put the question.

MR. G. HAIG BODDEN:

Mr. President, may I have a Division?

MR. PRESIDENT:

Clerk.

QUESTION PUT: AYES AND NOES

DIVISION
NO. 15/88

AYES: 13

NOES: 1

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Hurlston
- Hon. Benson O. Ebanks
- Hon. Norman Bodden
- Hon. Capt. Charles L. Kirkconnell
- Hon. Vassel G. Johnson
- Mr. W. McKeeva Bush
- Mrs. Daphne L. Orrett
- Mr. Linford A. Pierson
- Capt. Mabry S. Kirkconnell
- Mr. D. Ezzard Miller
- Mr. John B. McLean

Mr. G. Halg Bodden

AGREED BY MAJORITY: THE NOTARIES PUBLIC (AMENDMENT) BILL, 1988 GIVEN A SECOND READING.

MR. PRESIDENT:

Bills, First Reading.

**THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS)
(AMENDMENT) BILL, 1988**

FIRST READING

CLERK: The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1988.

MR. PRESIDENT:

A Bill entitled The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1988 is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

CLERK: The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1988.

MR. PRESIDENT:

The Honourable the 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 Merchant Shipping (Applicable Conventions) Law, 1987.

The objective of the Bill is basically to change two references in section 47 of the Merchant Shipping Law which deals with the provisions to inspect ships that are registered in the Cayman Islands and in subsection 5 and 6 makes reference to section 49 instead of 48.

Section 48 deals with the power to detain Island ships and procedures for detention. Section 49, which is wrongly stated, deals with the power to detain non-Island ships and procedures for detention.

Also in this short Bill, in Section 66 of the principal Law we are amending subsection 2 by substituting Judge of the Grand Court for Magistrate in the first line. All three of these changes are really typographical.

MR. PRESIDENT:

The question is that a Bill entitled the Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1988 be given a Second Reading.

The Motion is open for debate.

It appears that no Member wishes to speak, accordingly I will put the Motion on the Second Reading of this Bill.

QUESTION PUT: AGREED.

THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS) (AMENDMENT) BILL, 1988 GIVEN A SECOND READING.

MR. PRESIDENT:

Bills, First Reading.

THE TOURISM (AMENDMENT) BILL, 1988

FIRST READING

CLERK: The Tourism (Amendment) Bill, 1988.

MR. PRESIDENT:

A Bill entitled The Tourism (Amendment) Bill, 1988 is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

CLERK: The Tourism (Amendment) Bill, 1988.

MR. PRESIDENT;
Executive Council.

The Honourable the Second Elected Member of

HON. W. NORMAN BODDEN:

Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to amend the Tourism Law, 1974.

The Tourism Law, 1974 under which the Hotels Licensing Board is established and which makes provision for a Tourism Advisory Council, together with other provisions and regulations have undoubtedly served our country well since 1974. In fact, there has been only one small amendment made to the Tourism Law which was made in 1979.

As it will be recalled it was this Law which Legislators 14 years ago found it expedient to introduce and pass to replace the functions of the Tourist Board with a newly created Department of Tourism, in order to better cope with the needs of an important and developing tourism industry.

Here I would like to offer my sincere congratulations to the architects of this Law for their wisdom and foresight in 1974.

When one considers the magnitude of our tourism development over the past 14 years, where we have come from and where we are today since that time, it is nothing short of a mind boggling wonder that it has worked extremely well for our country and the people of these Islands.

Quite clearly this could not have been accomplished without careful planning, good guidance from the people involved and cooperation from tourist related businesses. Especially those which provide accommodation for our visitors.

It might be of interest to note that in the year 1974 we had, at that time, approximately 1,000 hotel beds and we received 53,000 visitors by air that year. Today, in 1988, we now have over 5,000 beds and we expect to receive by December 31st approximately 230,000 visitors by air this year.

Today tourism is the single most important economic activity in the Cayman Islands. It holds the potential for further substantial growth. And so it is of utmost importance that we not just reflect on the past but that we continue to plan wisely for the future so that our country can continue to capture its fair share of what has become today a highly competitive business. Government therefore has the responsibility to take whatever action is necessary to protect this vital industry.

We have an obligation to insure that laws are updated, that measures are firmly in place to demand, if necessary, that all hotels, condominiums and all properties catering to tourists provide and maintain a high standard of service for our visitors. After all, a vacation in Cayman cost good money and tourists must receive a fair exchange in return in the form of top quality accommodation and

services.

Additionally, the good image of the Cayman Islands as a tourist resort in the market place is at serious risk if this is not a case. If properties are allowed to operate in a haphazard fashion and offer second rate accommodations, the good image that has been built up over the past 14 years can very seriously deteriorate in a very short while.

It is therefore considered necessary and timely that this Bill - a Bill for a Law to amend the Tourism Law, 1974 - be placed before this Honourable House today for the consideration of Members and if passed will become effective on 1st January 1989.

Now, turning to the Bill itself, Clause 2 merely seeks to provide the Tourism Law with its own definition of the word 'hotel' rather than having to refer to the Hotels Act Law as at present.

In Clause 3, changes are to be made to the composition and powers of the Tourism Advisory Council. The Council selected from the private sector only, is to be comprised of a Chairman with a set maximum of eight members and a minimum of six.

The terms of reference of the Advisory Council will now be more positively defined through a new subsection 2(a) which reads as follows:

"The Council shall keep under review the situation in the Islands with respect to tourism matters and shall give to the Member where it considers it expedient to do so, advice and measures which, in its opinion, ought to be taken thereon."

It was considered that since the Council's role is to advise the Member on tourism matters, it would actually be more practical and reasonable for the Member not to be the Chairman of that Council. And so it is being proposed that subsection 5 of section 6 in the Law be repealed. Four members instead of three shall form a quorum for meetings.

MR. PRESIDENT:
break for lunch, or if you wish to go ahead?

I wonder if that might be a convenient moment to

HON. W. NORMAN BODDEN:
left. After lunch will be okay.

No, that is okay, Sir. I just have a few more minutes

MR. PRESIDENT:

Proceedings are suspended until a 2:15 P.M..

AT 12:48 P.M. THE HOUSE SUSPENDED.

HOUSE RESUMED AT 2:15 P.M.

MR. PRESIDENT:
Honourable the Second Elected Member of Executive Council continuing.

Proceedings of the House are resumed. The

HON. W. NORMAN BODDEN:
amend the Tourism Law, 1974.

This is the Second Reading of a Bill for a Law to

Under the existing Law the Hotels Licensing Board is comprised of the Elected Member of Council as Chairman, the Director of Tourism, the Chief Environmental Health Officer and one other Member selected from the private sector. They are given powers to issue, renew and revoke annual licences for hotels and other tourist accommodations.

In Clauses 4 and 5 of the Bill which seek changes to be made to section 7 and 8 of the Law, it is being proposed that the Hotels Licensing Board be expanded and strengthened.

These new sections will provide for the membership to be four members, none of whom shall be public servants, with the Member of Council responsible for Tourism remaining on as the Chairman. The Licensing Board will carry out its functions through the Director of Tourism.

In considering the grant or renewal of licences, the Board will require reports from the Chief Environmental Health Officer, the Chief Fire Officer, the Director of Tourism and any other public officer whose report is considered necessary. These Officers will have the powers to enter and inspect tourist accommodation at any reasonable time for the purpose of making their Report to the Board.

Anyone preventing or obstructing their entry would be committing an offence and liable to a fine of \$1,000 or six months in prison or both. I might add here, that while most hotels and other tourist properties have been cooperative in taking prompt and appropriate action to correct inadequacies and poor conditions which might exist, there are also those hotels, condominiums and guest houses which have seen Inspection Reports as more of a nuisance than a help.

These amendments are designed to demonstrate that the Hotel Licensing Board means business and that Government will not sit idly by and allow a few unconcerned property owners to wreck our tourist trade and ruin the good reputation of the Cayman Islands.

This important industry on which we all either directly or indirectly depend for a livelihood, must be protected at all costs. I believe that the tourist dollar trickles down and reaches every corner of our economy in these Islands.

Clause 6 provides that where the Board has withheld, revoked, suspended or refused to renew a licence it will have the power to post a notice to this effect on the premises in question.

The last Clause, Clause 7 of the Bill adds a new subsection that makes it clear that while appeals against decisions of the Board may be made to the Governor, until the Governor's decisions is given, the Board's decision shall remain in force.

Mr. President, I believe that this Bill is necessary. It is timely, straight forward and fair. Its objectives are not intended to create hardships, but are designed to attach the importance that is due to providing and maintaining properties providing tourist accommodation to a standard that will be pleasing to our guests and to a quality that will further enhance the good name of the Cayman Islands as a preferred tourist destination in the Caribbean.

We only need and want hotels, condominiums and guest houses which are operated in such a manner that will do us all proud and protect the future of our tourist industry.

all other Honourable Members to give it their support.

Mr. President, I recommend the Bill and I would ask

Thank you.

MR. PRESIDENT:
(Amendment) Bill, 1988 be given its Second Reading.

The question is that a Bill entitled the Tourism The Motion is open for debate accordingly. (pause)

The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:
amend the Tourism Law, 1974.

Mr. President, I rise in support of a Bill for a Law to

are contained in Clauses 5 and 6. Clause 5 seeks to provide for the making of certain reports to be considered on the grant or renewal of a licence and contains provisions to facilitate the making of such reports. It also seeks to make provision for any licence granted under section 8 of the law to be displayed in a conspicuous place.

In Clause 6, provision is sought to be made for notice of any revocation, etcetera of a licence to be posted on the tourism accommodation in question. Also, it is good to see that provision is sought to be made in Clause 7 for any decision of the Board to maintain or to remain in full force and effect, pending an appeal against that decision.

In debating this amendment Bill it is important for us to bear in mind the importance of tourism to the Cayman Islands. While this Bill specifically deals with the regulations of tourist accommodations on the Island, it is so wide that it touches the whole subject of tourism and the importance of tourism to this country. Therefore, I suggest that adequate accommodations in number and size as well as in the standards of those accommodations are important to this country.

Our economy is divided into two main sectors, of which tourism is believed to be - and perhaps the Financial Secretary has other view on this - fast becoming the predominant sector of our economy. Some say the financial sector is. Most important therefore is that this sector is protected. This is one of the many measures to protect this fragile industry.

Another important area requiring attention is the service end of our hotel and tourist industry, that is the type of service we provide and the need for an adequate work force. However, this will form the basis of another debate that I intend to speak on during this meeting. So I will not comment on that at this stage.

But, Mr. President, before dealing with this Bill in its entirety, I have to make reference to certain editorials I have seen recently in the papers that directly affect our tourism in the Cayman Islands and development in general. I am glad that some of these editorials and by saying this I have the greatest respect for the journalists in this country, but sometimes with only one major newspaper we would hope that that paper would try to be as reasoned and as level headed in its opinion as possible.

I know that this is a bad time of the year to make any comments about the Compass or any other paper in this country because most candidates are doing their very best to get the Compass on their side. But when I was elected in this House I was elected to represent the interest of my people to the best of my ability which I think I have done during my four years. The fact that this year is an Election year will not deter me in anyway and I hope that the papers will still give me the mileage that I truly deserve.

On Friday, 19 August I was somewhat appalled to see an editorial in the Compass entitled 'Stop - It's Time To Plan'. But Mr. President I was so happy to read in the newspapers on Tuesday, 6 September a reply by a gentleman for whom I have a lot of respect, none other than Mr. Charles Adams. I too have had my problems with Mr. Adams but it left me with a lot of respect for that gentleman.

I recall when I was Chairman of the Planning Authority I had a little run in with him but I did not lose any respect for him. He was doing his job representing his client and I think I was doing my mine trying to represent the interest of the country.

Mr. President, that editorial asked a number of questions. Why do we need another 306 bedroom hotel at this time? Who are we building it for? Who will benefit from it? I was surprised that a paper that sometimes give the impression that they are the economic and physical planners of this country and they are expressing the voice and sentiments of the majority of the people of this country would not have done sufficient research before asking those questions.

What is also somewhat of concern to me is that this paper is so widely circulated that potential investors coming to this country could be given the impression that we are a country without any guideline or without any planning. This was the impression that I got when I read this editorial. But in response to the words of Mr. Charles Adams, "Why do we need another 306 bedroom hotel at this time?", the answer is, the hotel will be built to meet the demand by tourist coming to this country.

As a premier tourist destination, it is one thing for us to look at the public health side of the management of the hotel, but it is another question that we provide adequate accommodation for our people. The question of accommodation is decided on the basic principles of the economic theory of supply and demand. The demand is there. We have a lot of tourists wanting to come to the Cayman Islands. So if we are to continue to develop our tourism industry we will have to provide the same or better quality accommodation that they can find in other tourist destinations. So to ask a question like that in the editorial of a leading newspaper to me was not well thought out.

They have a motto, in their editorial 'Give light and the people will find their own way'. I am afraid that this type of editorial does not help at all in giving light to the people. Many times it is an expression of one's own personal opinion and with one major paper on the Island, I would like to see more objectivity and less personal views. I know I might be criticised, but I can cope with that. It will not be the first time.

Another point is that the investment will represent a capital investment in the Islands of some \$30 million. Now our country stands to benefit tremendously from such an investment. We have a lot of people going around saying 'stop development'. But when we stop development I want those same people to tell me what is their comprehensive plan for continuing our revenue base and for diversifying our economy. I would like to get some answers. Where will we find jobs for our 400 students or school leavers coming out of school every year? We must protect and develop our tourism industry. I am very pleased, that this Bill is before us today.

Section 8 of the principle Law is amended by inserting the following three subsections immediately after section 4 of the principle Law.

"Section 4(a) before granting or renewing a licence under subsection 4 the Board shall require and have regard to reports about the tourism accommodation from and on behalf of the Chief Environmental Health Officer appointed under subsection 1 of section 3 of the Public Health Law."

these accommodations of these facilities
Fire Officer, appointed under section 3, will be involved.
whatever inspections are necessary.

Regard is being given to the healthy operation of also the safety side of fire prevention. The Chief The Director of Tourism will also be allowed to do

appointment of such other public servant as it considers desirable. Perhaps one of the most important amendments to ever be contained in the Tourism Law 1974.

The Board should also ensure that all tourist accommodations in the Islands meet the requirements of the Board, regardless as to whether they are a 300 or 400 room hotel, or whether it is just a 10 room hotel. They should all meet the stringent requirements. Section 4(b) of

Clause 5 states:

"Any one person mentioned in paragraphs (a) to (d) of subsection 4(a) may enter on and inspect any tourist accommodations, or any place within the curtilage thereof, at any reasonable time, for the purpose of making the report to the Board required by subsection 4(a), and shall forthwith after such entry and inspection make his report."

But it goes on to further say:

"Whoever prevents or obstructs the entry onto tourist accommodation, or any place within the curtilage thereof of any person in the execution of his duty under subsection 4(b) is guilty of an offence and will be liable on summary conviction to a fine not exceeding \$1,000, or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment."

Mr. President, this is indeed a very good clause. But on the question of our value of tourism to this country I was also surprised to find out in this same editorial that the statement was made in that editorial and I quote:

"As we said before to a deafening silence from politicians, the proper vehicle for controlling development is the Planning Law."

Nothing could be further from the truth and I am surprised that that impression is being given.

Tourism forms perhaps, 55 per cent of our economy and that is not controlled by the Planning Law. It is controlled by basic principles of supply and demand, the economic principles not the physical planning principles. And I am surprised that this was not pointed out in the editorial. As I said it may not be good politics to be dwelling on this, but it needs to be said.

Amendment of Section 9. Section 9 of the principal Law is amended by adding the following new subsection 3:

"In any case where the Board has withheld, revoked, suspended or refused to renew a licence, it may at any time post and keep posted on the tourist accommodation a notice thereof in a prescribed form."

This is very, very good. There is no reason why if a place is condemned for any reason by the Board that they should continue to operate and the public should know exactly what is going on. This is, indeed, a good provision. The public should be made aware of cases where the Hotel Licensing Board has withheld, revoked, suspended or refused to renew a licence.

We want the Cayman Islands to remain a number one tourist destination. Good accommodation is therefore essential. We realise that developing our tourism industry is one of the areas of our total development and with that total development we will have a number of problems in our country.

I also have seen on the Order Paper where a debate will probably ensue on this question of crime. But I will deal with this when I come to it. We cannot have our cake and eat it. I feel that until the opponents of our present economic system can come forward with better ideas that we will have no choice but to preserve to the 'nth' degree what we have. That is our financial structure and our tourism industry.

Mr. President, I have no hesitation in giving this Bill, a Bill for a Law to Amend the Tourism Law, 1974 my full support.

Thank you, Mr. President.

MR. PRESIDENT:

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

In speaking on this Bill I join the Director of Tourism himself in his deep fear and concern over tourism in these Islands. In a recent article in the newspaper he indicated that he is worried about tourism in the future. I too am worried if we continue the policies we have had over the past four years.

The interview which he had, or the article which is written in the paper, seems to say that the policies which we had pursued recently have now caught up with us.

In fact, my dear departed friend, Mr. Jim Bodden, once or on several occasions referred to present policies as setting out to attract the peanut butter sandwich type of tourist. Now we see that the Director has made it public that if the present trend continues there will be trouble. By attracting the cheap package deal we have brought to our shores people who are now complaining about the high cost of the tourist facilities.

This article is a very searching one and should definitely give us great concern because we have been filling the hotel rooms, we have been filling the seats on Cayman Airways but have we been attracting the heavy spenders in the tourist trade?

I share the deep concern of the Director and I think that whoever the new Government is they will have to take a hard look at tourism, change the present policies, change the present advertisement and go back to attracting a better and a more well off type of tourist that will not complain about the expense of tourism here.

I also have deep concern about the appeal section of the Bill that is before us. Section 7 of the amending Bill deals with appeals and contains in it what seems to be a new and a strange clause, in which its says:

"The decision of the Board shall until the decision of the Governor has given, remain in full force and effect."

This is not the normal course taken in appeals in other Laws. Because where an appeal has been made against the decision of a Lower Court or an appeal made against a decision of a statutory Board, the status quo as it existed before continues. But here we are told that whatever the decision of the Board should be, that decision goes into effect and remains in effect until the appeal is heard by the Governor in Council.

If we are to leave this Clause in such a sad state we should at least make a determination of the time taken by the Governor to deal with the appeal so that we should have something in it that says 'the decision of the Governor should not be unreasonably withheld' or 'the decision of the Governor should be given within a short period' - say one month, or whatever time we feel to put it.

If we leave this as it, as we may have the same problem with this that we now have under the Caymanian Protection Law, where appeals seems to take a very long time to be heard and where even applications to the Board seems to take a very long time to be heard. So if we are

going to make the appeal process so rigid that the decision of the Board shall stand until the decision of the appeal is given, then we must make certain that the decision of the appeal is handed down in a reasonable time and so that there can be no abuse of the system.

I perhaps, will stand alone on this issue as I have stood alone on all the other appeal issues that I have spoken against, but I will not be disturbed for like the prophet Isaiah, I can say, 'I have trodden the wine press alone'.

I also have deep concern about the changes made in the Tourism Advisory Council. I know it is common place now to have these Councils. At the last sitting, I believe it was, we dealt with one for the Drugs Law. What we must make sure never happens is that the Council usurps the responsibility of the Member. We must make certain that the Member does not delegate to the Board the powers that were delegated to the Member when he received the responsibility for the Portfolio. So that while the Advisory Council, in my opinion, simply will be an Advisory Council I would hope that this Council does not take the place of the Member; that the Member will be responsible for making the key decisions; that the Member will accept the blame if he goes wrong and will accept the laurels when he is correct. I notice here that the decisions of the Council will be carried out through the Director.

In 4(b) 1(a) it reads:

"The Board shall perform its functions through the Director".

I think we should not be carried away with these Boards and Committees. Something should be left so that the Member who has been Elected to the Assembly, Elected to the Executive Council and charged with the responsibility by the Governor remains responsible and he alone accepts the responsibility for his actions.

I cannot understand why the Council shall keep under review the situation on the Islands. I should have thought it would have read the other way. That the Member shall keep under review the situation with regards to tourism matters and shall then take the advice of his Council. So the Bill seems to shift responsibility from the Member to a Council which the electorate does not know. Therefore, I cannot support this Bill.

MR. PRESIDENT:

Does any other Member wish to speak?
Would the Mover wish to exercise his right of reply?

Sorry just in time. Just in time. The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, I am happy to support the Bill in its

entirety which is seeking to tighten up the Tourism Law.

In supporting this Bill I do not have to embark on a long dissertation on the importance of tourism in this country. That is well documented. You must never ever forget what it means to us as a developing country. There seems to be questions popping up in the country and we will expect that in an election year.

Some people say who are we developing for? How much development do we need? It is all right for one sector of the country to ask how much development do we need because some sectors are well grounded in the establishment. Some sectors do not have to worry about money for projects that our people keep coming to us about. But the one question is, who are we developing for? We are developing for Caymanians.

Some people like to believe that we can stop short in our tracks and say no more development. Who is willing to put the bell on the cat? It takes at least two years to complete the building of a major hotel and maybe just as long to get all the preliminary plans to the stage where we can build.

The one question that I would pose is, why does it have to be on the Seven Mile Beach? It is time that development in this country move on to other areas. For instance, I would like to see the proposed new hotel either in the eastern area or down in the prime tourism development the virgin territory in the Barkers area.

We must realise that development is not taking place in this country in isolation. That was before this Administration took the helm in 1984. But today Government has set in motion many programmes to cope with development.

The Community College is well on its way to becoming on a sound footing and this is the avenue that we will get all or at least some, lets put it that way, of what we need for development. That is where we are going to get the mechanics, the refrigeration people and that sort of expertise.

The Hotel School is on a good footing. Remember in Monday's Compass we saw four young Caymanians just completing International Study Diplomas. If the development is not there, then there is no cause to have those sort of courses. We cannot stop. The wheel must keep turning. All I would urge the Member to do is to bear in mind what I said concerning where the development takes place in this country.

I do not believe that there is a peanut butter type of tourist coming to this country. The Member would allow people to believe that that is the only type of people that are coming here. If you walk around the country and you look at the type of accommodation being put up, apartments being built, who is going to rent these? Better than that, who is buying them? A peanut butter sandwich I guess, could cost in the region of a few cents. One of those condos is in the region of \$400,000, some almost a million. That is the kind of tourist we are getting and the opposition must admit it.

People are putting up businesses. I believe the Member himself recently embarked on a business operation catering to tourist. I am sure he is not going to sell peanut butter sandwiches. I am sure the Member has the foresight and I am sure he has the confidence in the Administration to bring good, sound, money spending people or else he would not have embarked on his business proposal.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President.
I rise in support of a Bill for Law to Amend The

Tourism Law, 1974.

The Bill before us is very important as is well known. Tourism is one of the main pillars of our economy and I think the Bill seeks here to put right whatever may be found to be not in the best interests of the country in this particular regard.

My earliest recollections is that these tiny Islands of ours, with a small population, once subsisted off of the land through the sweat and tears of our forefathers who went to the Central American quays to fish for turtle, our stalwart women who remained at home and made the rope from the thatch palms, the turtles going to the United States, and the rope going to Jamaica.

There came a time when this particular industry dwindled. And Almighty God in his providence and care provided us with another means of a livelihood when National Bulk Carriers out of New York and on a smaller scale a company out of Canada learned that some of the

best seamen in the world were Caymanians. For a long while this became the backbone of the economy of this country. After some years, slowly but surely, this also began to dwindle. And again God in his mercy saw fit to provide us with something that we could depend upon. One of these was tourism or the tourist trade and the other, of course, the banking industry.

I would shudder to think that Caymanians would have become so complacent that we would tend to believe that we have arrived, that there is no room for improvement and that we should not continually monitor the two main industries of this country. Tourism is very important and I must congratulate Government for bringing this Bill which seeks to bring these amendments which definitely are intended to improve upon the services which we offer in the tourism industry.

There are many areas that we can touch upon in the tourist industry. And I believe that this Bill is seeking to give the Council and the Member responsible the power to do what in the past they were not able to do because of not having proper legislation to do it.

I can think right now of a rather serious controversy which arose some years back when there was a certain facility which was not felt to be first rate which had been given ample notice in fact, I guess a number of times, and these improvements were not carried out. The Government had to step in just before a very hectic and heavy tourist season and there was, at that time, what was felt by some to be a move on the part of Government which was not in the best interest of this country. There were those who said that closing down that facility at that particular time would lend a stigma to the country because many people would be out of tourism accommodations which they had booked far in advanced.

On the other hand the majority took the view that the tourism market, in finding out that Government's intention was to provide only the best in accommodations, far outweighed any losses which we might suffer for those who would be disappointed in not finding their accommodations.

I believe that over the last four years this Government has sought in every way possible to offer the tourist the best here in Cayman. While it is not our intention to attract simply as it has been termed here, a bread and butter or peanut butter sandwich tourist, I think that we want to provide a facility which is first class and at the same time to ensure that we do not price ourselves out of the market.

I actually spoke with the Member earlier and while this may not be exactly the time to get this into the House of Assembly, I would hope that there is something in place where hotel and other facilities are supposed to issue to tourists visiting the facility a brochure which indicates the type of dress code that is expected in Cayman.

While I know that many are here to enjoy the sea, the sun and the sand I think we have to be careful that something is in place where visitors to this country, from ships and however they get here, (but it seems like the problem is particularly with those visitors who come by ship) that carry themselves in a rather careless manner, very close to nudity throughout the town. I believe this is uncalled for.

Our local Caymanians do not carry themselves in this fashion. Only recently I have had a number of individuals who have complained of the way in which tourists walk through our streets and even sit in the restaurants. Many times, as a woman, it can only make one feel somewhat embarrassed.

I would recommend that the Member keep clearly in the forefront of his mind that something must be done to remind the people responsible for tourists coming off the ships, as well as those who are accommodated in hotels, that there is a certain dress code in this country.

I feel that Caymanians have maintained a certain criteria over these years and I do not believe that at this time we can become complacent because as far as I am concerned for the tourist who want to carry themselves in that fashion there are other places to which they can go. We attract a certain type of tourist to this country and we maintain that in more ways than one.

Mr. President, I support, wholeheartedly, this Bill. I trust that as we bear in mind the importance of tourism to this country we will recognise that we are trying to offer the best product possible, because to vacation in the Cayman Islands is not a cheap one. We want to ensure that those who come here feel that they have gotten their money's worth.

Most importantly that the Caymanian people recognise this. That they are not here simply to spend money but that we, ourselves, will offer to them our friendliness and charm which has been ours over all these years.

Thank you, Sir.

MR. PRESIDENT:

Proceeding are suspended for 15 minutes.

AT 3:18 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:40 P.M.

MR. PRESIDENT:

Proceedings are resumed.
Second Reading of the Tourism (Amendment) Bill,
1988.
Does any Member wish to speak? The First Elected

Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL:

Mr. President, I would like to congratulate the Second Elected Member of Executive Council, the Member moving a Bill for a Law to amend the Tourism Law, for bringing this Bill at this time. I think never in the history of these Islands have we depended as heavily on tourism. We have not had as serious competition from our surrounding neighbours with tourism as we have today therefore we must do everything in our power to provide the best tourist product possible at the best and most reasonable cost.

I think the provisions of this Bill will give better control to maintaining proper tourist accommodations and providing some inadequacies which our Law has had in the past. I know in my district, the district of Cayman Brac and Little Cayman and I am thankful to say at last we are benefiting from Tourism. It is our main stay not only from the tourism stand point, but from the construction stand point of the units there.

We envisage that this will continue for years to come. It will help us so that our population can continue to increase and bring back some of our people that have left the Islands for the want of employment. So to me, there is nothing more important than putting our Tourism Law and anything we can do to encourage tourism in order.

I think none of here should attempt to use this as a political tool. It is too important to our economy and our future. We must realise that Cayman is not a cheap destination. Therefore we must give quality, our friendliness and security here and our Government must remain stable.

I am sure we will continue to grow with our Laws

suited to our needs. I think the future is bright for tourism in these Islands and I ask all Honourable Members to give their support to this Bill. If they study it carefully they will see it has been carefully thought out and that every amendment is necessary and will serve our needs.

Thank you, Mr. President.

MR. PRESIDENT:

Would the Mover wish to reply please?

HON. NORMAN BODDEN:

Yes, Mr. President, thank you very much.

Mr. President, I would like to thank the Honourable Members who supported this Bill, the Second Elected Member for George Town, the Second Elected Member for West Bay, the Third Elected Member for West Bay and lastly the First Elected Member for the Lesser Islands.

I am not in the least bit surprised that no support was forthcoming from the Second Elected Member for Bodden Town, because this certainly would have been out of character for him. He has criticized everything that this Government has brought to this House in the past four years. I understand that and I want the public to understand it too because he forms the Opposition and that his role is to oppose, and many times merely for opposition sake, not to be constructive. But we must deal with the facts.

He referred to a recent interview with the Director of Tourism which appeared in the press, and which incidentally I knew nothing about because the Director did not have to get my approval to speak to a reporter, (note the difference). He referred to this recent interview with the Director of Tourism and he said that he shared the Director's deep fear and concern and claimed that the article was dealing with the Tourism policies over the past four years, which were attracting the wrong type of tourism. Nothing could be further from the truth. This is a misrepresentation and a total misinterpretation of the contents of that article.

I know that with the high level of intelligence that the Second Elected Member for Bodden Town has, I give him credit for better interpretation than he has put before the House this afternoon. He knows better than that. The truth is that this article deals with pricing, based on feedback that the Department of Tourism is receiving from our sales force in the field on the high cost of a vacation in Cayman today compared to our cheaper destinations such as Jamaica and Mexico.

Concern has always been expressed in this Chamber and from other forums that Cayman must be careful that it does not price itself out of the tourism market. This is nothing new, but I would say that it is timely. I have personally met with the hoteliers and discussed this situation as recently as two weeks ago. So concern that Cayman must be careful not to price itself out of the market has always been voiced, but it is true today we are in fact finding more and more resistance to the high cost of vacationing in the Cayman Islands.

He spoke of policies which set out to attack "peanut butter tourists". I consider this an insult to our valued visitors and many of them who read the local newspaper feel so too because in the past when this degrading adjective was used to describe our visitors, many of them have taken the time to write to the press and voice their objection to being placed in that category. If they are "peanut butter tourist", I can tell you the Member must be eating expensive peanut butter.

Mr. President, four years ago when I came to this Portfolio, after consultation with hoteliers, I put in place the policy that not more than 15 per cent of our total market would be earmarked for package tours and this article clearly bears this fact out.

Our type of market, which has always catered to a mixture, is naturally dictated by the wide variety of hotel accommodation we provide in these Islands. Some visitors save for a vacation and maybe they can only afford \$25 per day, but we also have, by far, the large majority who come to our country and pay \$250 a day and upwards. In fact, new luxury properties such as the Hyatt and Treasure Isle and other hotels on the Island now enable us to attract a much higher calibre which forms the large majority of some 85 per cent. We are now attracting a much better calibre of people who can afford to spend and contribute to our economy than we ever have had in the history of this country. So just the reverse of what the Second Elected Member for Bodden Town would have Members to believe is happening.

I maintain that our policies are sound and sensible. It must be remembered that all sectors of services form our tourism product and they all have an important effect as to the outcome whether it is a high quality, whether it is a failure or a success or whether we continue on an even, sound course in the future. This is not isolated to any one sector. We all play a part in this even those citizens who meet tourists on the street that do not directly work for a tourist related business. So 22,000 Caymanians are responsible for our tourism product and this should be borne in mind.

With regards to the policies, when I came to the Portfolio four years ago, to the credit of Members who were there before me, I found many good policies in place. Many of them were sound. On good advice from my Portfolio and the Heads of my Department in the Portfolio that I am responsible for, we kept some of those policies, we built on them, we improved on them and some of those which needed to be discarded were discarded. The approach was done in a very fair and sensible manner and politics has never, ever affected my decision as to what is best for this country when it comes to our tourism industry. It is far too important.

The Member also spoke about the section of the Bill dealing with the appeal. As far as I can gather the Member is wrong again. The decision of the Board must remain in effect, until the Governor's decision is made on the appeal. In my layman's way of reasoning this, there are some properties which would use the appeal process to buy time and continue operating under conditions that are not acceptable to the Board or to our tourist and conditions that are in fact, damaging to this country.

It is my understanding and there is a lot of logic in this. An appeal does not normally operate as a stay of the Order appealed against and this is quite true. You are not let out of prison just because you happened to appeal a criminal conviction.

He referred to the Caymanian Protection Law which is an exception rather than the rule, where the appellant is allowed to continue to work until the outcome of the appeal is known. There was a very valid reason for that too.

The Second Elected Member for Bodden Town also expressed concern about the Tourism Advisory Council. He indicated that his interpretation was that he hoped that this was not a shift of responsibility where the Council would usurp the Member's role, or that the Member would, at some stage, attempt to blame the Tourism Advisory Council for the state of tourism.

My mind does not operate like that. I believe that any Member that holds this Portfolio fully realises that they are charged and accountable for the subject of tourism. But just to attempt to put that Member and any others who may have a concerned mind at rest if the existing Tourism Law is taken into consideration, in section 6(4) this remains in the Law and there is no attempt to remove it. The Clause reads:

"In connection with the performance of his function, the Member may consult the Council from time to time, and may call meetings of the Council for that purpose, but shall not be bound by its advice."

The Council and the Member operate quite independently but are supportive because an attempt was made to set out very clearly the term of reference of the

Tourism Advisory Council. I can assure this House that no attempt is being made to have the Council blamed, or the Council usurping the powers and authority of the Member.

A few other points were touched on regarding the rate of development on the Seven Mile Beach and the Third Elected Member for West Bay touched on the dress code for tourists. I am not an expert on the economy or on development, nor would I attempt to be. I have always been able to operate because I quite clearly recognised my limitations.

The Second Elected Member for George Town referred to an article regarding the new hotel and I support the points that he made there in reference to that article. When one speaks of who needs another hotel now, I think we must consider the tense, the time, that we are dealing with.

The Raddison Hotel is not due to come on the market to receive guest for the next two years. We are looking at 2 - 2 1/2 years down the line where we would probably have at least 700 students entering the job market who must find places in our society. So I think it is unfair to present any form of development that is something that is going to have an overnight or immediate effect on the growth of the economy of this country.

We must plan ahead. And while I firmly believe that we must tailor our growth to suit the particular and specific needs of our country, I do not believe that we must let alarm cause us to take foolish decisions that we will regret down the line. I support the Second Elected Member for George Town.

With all due respect to all concerned, there are many who are coming forward with fancy formulas and good ideas on what they suggest you do at the present time. But I would certainly like one of them to produce the right formula for turning the economy around when there is a down turn. I have yet to find one of them that produced the right formula.

As regards to development on the Seven Mile Beach, I would certainly use every means I have to encourage investors to develop other areas of our Island. It is true that much development needs to take place in the outlying districts and I am supportive of that. Nevertheless, I also recognise that we cannot tell an outside investor who comes to our country to spend \$30 or \$40 million on an investment where he must place that investment.

I do not believe that we will see investment and development in, at least, tourism relative development in other parts of the island until that George Town to West Bay peninsula, the Seven Mile Beach area, has been fully developed. I believe that development will shift to other areas once that has taken place.

Under the Hotels Aid Law Governments before this one, put in place certain rebates on Duty which was hoped would have attracted them to other areas, but this has not been the case up to the present time. I certainly will use any effort or shall give any support that I can to encourage development in other areas of our Islands.

As regards to the dress code for tourist, I remember that some time ago this was also brought to this House by a former lady Member. And there were certain brochures and literature that were printed and distributed. I would certainly use our offices in the U.S. to again distribute these brochures and to have them distributed to cruise ship passengers reminding them that we expect a certain dress code to be carried out in our Islands.

It has always interested me, the wide range that a debate in this House can go to as I have attempted to answer those items which I thought was important enough to be replied to.

In conclusion, I would once again like to thank all Members who have supported this Bill. I look forward to piloting the Bill through the other stages in the House, Committee stage and the Third Reading and I hope at the end of the day we will have unanimous support for this Bill.

Thank you very much.

MR. PRESIDENT:
Reading.

The question will now be put on this Bills' Second

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN:

Mr. President, may I have a Division?

MR. PRESIDENT:

Clerk.

DIVISION
NO. 16/88

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 L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeever Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry Kirkconnell
Mr. D. Ezzard Miller
Mr. John McLean

NOES: 1
Mr. G. Haig Bodden

AGREED BY MAJORITY: THE TOURISM (AMENDMENT) BILL, 1988 GIVEN A SECOND READING.

MR. PRESIDENT:

The Bill passes Its Second Reading.
Bills, First Reading.

THE STATISTICS (AMENDMENT) BILL, 1988.

FIRST READING

CLERK:

The Statistics (Amendment) Bill, 1988.

MR. PRESIDENT: A Bill entitled The Statistics (Amendment) Bill, 1988 is deemed to have been read a first time, and is set down for Second Reading.

SECOND READING

CLERK: The Statistics (Amendment) Bill, 1988

MR. PRESIDENT: The Honourable the First Official Member.

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to amend The Statistics Law (Revised).

In this Bill there are three main amendments and the objectives of the amendments are to make reference to the Statistics Unit rather than to the Department of Finance. One area that we have had some feedback on resulting from the Gross Domestic Product Survey, deals with section 17 subsection 3 which reads:-

"For the purposes of this section the term 'publish' includes to communicate in any manner whatever, orally or in writing, or to reveal in any manner whatever, and whether to a court of Law or to any other tribunal or to any other person whatsoever other than the person employed in the Department upon duties connected with this Law."

And this deals with the restriction of publication of information submitted in the returns of questionnaires on the Gross Domestic Product (GDP).

We have been saying to the public for sometime that the information submitted to the Statistic Unit remains confidential. The question is, what does department mean? Department means Department of Finance and Development. So that legally we are now amending the Law to give the Statistic Units the autonomy as regards the questionnaire and not to release the information to anyone. That is the reason for this amendment.

Similarly under section 21 which gives the Governor the power to make regulations, it makes reference in 21(e) to the Department and we are asking for that also to be amended to 'Unit'.

I recommend these amendments of the Statistics Law to Honourable Members of the House.

MR. PRESIDENT: The question is that a Bill entitled The Statistics (Amendment) Bill, 1988 be given a Second Reading.

The Motion is open for debate. (pause) If there is no debate, I shall put the question.

QUESTION PUT: AGREED. THE STATISTICS (AMENDMENT) BILL, 1988 GIVEN A SECOND READING.

MR. PRESIDENT: Bills, First Reading.

THE CUSTOMS (AMENDMENT) BILL, 1988.

FIRST READING

CLERK: The Customs (Amendment) Bill, 1988.

MR. PRESIDENT: A Bill entitled The Customs (Amendment) Bill, 1988 is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

CLERK: The Customs (Amendment) Bill, 1988.

MR. PRESIDENT: Bills, Second Reading. The Honourable the 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. The Bill seeks to amend section 10(2) of the Law which reads:

"The export of the following goods is absolutely prohibited - lobster, conch, or conch meat in any form".

The practice has been over the years that lobster or conch which is transshipped through the Cayman Islands was allowed and the reason for the amendment is to allow that transshipment to continue.

The new section or subsection would read:

"Unless there are transit goods the export of the following goods are absolutely prohibited."

Therefore transshipment of lobster or conch or conch meat will continue to be allowed as is the present practice.

I recommend it to the Honourable Members.

QUESTION PROPOSED:

MR. PRESIDENT: The question is that a Bill entitled the Customs (Amendment) Bill, 1988 be given its Second Reading, and the Motion is open for debate.

QUESTION PUT: AGREED. THE CUSTOMS (AMENDMENT) BILL, 1988 GIVEN A SECOND READING.

MR. PRESIDENT: Bills, First Reading.

THE COMPANIES (AMENDMENT) BILL, 1988.
FIRST READING

CLERK: The Companies (Amendment) Bill, 1988.

MR. PRESIDENT: A Bill entitled The Companies (Amendment) Bill, 1988 is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

CLERK: The Companies (Amendment) Bill, 1988.

MR. PRESIDENT: Bills, Second Reading. The Honourable the First Official Member.

HON. THOMAS C. JEFFERSON: Mr. President I beg to move the Second Reading of a Bill for a Law to amend The Companies Law. This is a small amendment and it is a result of a typographical error. In the Law, Law 24 of 1987, section 34(5), it states the word 'normal' rather than the word 'nominal'. That is the essence of the explanation, I think, Mr. President.

MR. PRESIDENT: Perhaps I can put the Question directly on that one. The Question is that a Bill entitled the Companies (Amendment), 1988 be given a Second Reading.

QUESTION PUT: AGREED. THE COMPANIES (AMENDMENT) BILL, 1988 GIVEN A SECOND READING.

MR. PRESIDENT: Bills, First Reading.

THE ELECTIONS (AMENDMENT) BILL, 1988.
FIRST READING

CLERK: The Elections (Amendment) Bill, 1988.

MR. PRESIDENT: A Bill entitled The Elections (Amendment) Bill, 1988 is deemed to have been read a first time, and is set down for Second Reading.

SECOND READING

CLERK: The Elections (Amendment) Bill, 1988.

MR. PRESIDENT: Bills, Second Reading. The Honourable the Third Official Member.

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, 1988.

The Memorandum of Objects and Reasons is quite clear in explaining that the object of the amendment is to substitute a new form, Number 22, as the amended form of Oath of Qualification is now necessary as a result of an amendment earlier this year to section 25 of the Cayman Islands (Constitution) Order.

Honourable Members will recall that following the passage of the relevant Motion in this Honourable House last year, an amendment to the Constitution came into operation as a consequence thereof effective the 1st of February, 1988.

As a consequence of that, the qualification for voters was amended and form Number 22 sets out the new qualifications of voters. This new form is going to be required as a substitute for the previous form Number 22 which would have contained the former qualifications for voters.

I do not propose to read into the record the text of the Bill because it is a form and I propose to simply invite Members to accept this amending Bill as a consequential bit of legislation in order to tidy up The Elections Law in preparation for the General Elections on the 16th of November.

I accordingly recommend the Bill.

MR. PRESIDENT: The question is that a Bill entitled The Elections (Amendment) Bill, 1988 be given a Second Reading. The Motion is opened for debate. (pause) It appears that no Member wishes to speak, I shall therefore put the question.

The question is that a Bill entitled The Elections (Amendment) Bill, 1988 be given its Second Reading.

QUESTION PUT: AGREED. THE ELECTIONS (AMENDMENT) BILL, 1988, GIVEN A SECOND READING.

MR. CHAIRMAN: The House will now go into Committee to study a Bill entitled The Notaries Public (Amendment) Bill, 1988 and other Bills.

COMMITTEE ON BILLS

The House is now in Committee.

With the leave of the Committee may I assume that, as usual, we should authorize the Honourable the Second Official Member to correct minor printing errors and such like in these Bills. Thank you.

Would the Clerk now state each Bill and read its clauses.

THE NOTARIES PUBLIC (AMENDMENT) BILL, 1988.

CLERK: The Notaries Public (Amendment) Bill, 1988.

Clause 1. Short Title.
Clause 2. Amendment to section 10.

MR. CHAIRMAN: The question is that Clauses 1 and 2 stand part of

the Bill.

If there is no debate....Mr. Haig Bodden.

MR. G. HAIG BODDEN:

Improved by the addition of a provision for appeals to be taken against the decision of the Governor to revoke an appointment under this Bill.

Mr. Chairman, I feel that section 2 of the Bill could be

However, I do not propose to put forward the amendment since I was the lone voice against it, but I would like the records to show that my objection still stands and I will certainly vote against this Clause.

HON. RICHARD W. GROUND:

Office of Notaries is to some extent privileged. It is something which the Governor confers. In my submission to the House the Governor should have power to take it away again. It should not be fettered in the exercise of that power by having to look over his shoulder all the time.

I must just say a word to that, Mr. Chairman. The

I used the word 'privilege' because if one looks at the fees a Notary can charge, it is very plain that nobody is going to make a livelihood out of being a Notary. So that you are not, in removing the office, depriving somebody of their living. The Governor is however protecting the matters that I mentioned earlier. They are not exactly the administration of justice, but they come very close to it because of the way that the Notary can certify and authenticate documents which the Courts here and elsewhere will then accept.

So I would submit to the House that a draconian power is needed and that entrusting it to the Governor rather than to the Governor in Council, it is entrusted (a) into the hands of the person who appoints and (b) into safe hands.

MR. CHAIRMAN:

speak, I will put Clause 1 and Clause 2 separately because I imagine that nobody can object to Clause 1. I would not want to confuse the issue.

If no other Member of the Committee wishes to

So, the question is that Clause 1 do stand part of the

Bill.

QUESTION PUT: AGREED.

MR. CHAIRMAN:

of the Bill.

And the next question is that Clause 2 do stand part

QUESTION PUT: AGREED.

CLERK:

A Bill for a Law to Amend the Notaries Public Law, 1982.

MR. CHAIRMAN:

The question is that the title stand part of the Bill.

QUESTION PUT: AGREED.

THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS) (AMENDMENT) BILL, 1988.

CLERK:

The Merchant Shipping (Applicable Conventions)(Amendment) Bill, 1988.

- Clause 1. Short title.
- Clause 2. Amendment of section 47.
- Clause 3. Amendment of section 66.

MR. CHAIRMAN:

the Bill.

The question is that Clauses 1 to 3 do stand part of

QUESTION PUT: AGREED.

CLERK:

A Bill for a Law to Amend the Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1987.

MR. CHAIRMAN:

The question is that the Title stand part of the Bill.

QUESTION PUT: AGREED.

THE TOURISM (AMENDMENT) BILL, 1988.

CLERK:

The Tourism (Amendment) Bill, 1988.

- Clause 1. Short title and Date of Commencement.

MR. CHAIRMAN:

Bill.

The question is that Clause 1 do stand part of the

QUESTION PUT: AGREED.

CLERK:

- Clause 2. Amendment of section 2.
- Clause 3. Amendment of section 6.

MR. CHAIRMAN:

the Bill.

The question is that Clauses 2 and 3 do stand part of

QUESTION PUT: AGREED.

CLERK:

- Clause 4. Amendment of section 7.
- Clause 5. Amendment of section 8.

MR. CHAIRMAN:

the Bill.

The question is that Clauses 4 and 5 do stand part of

QUESTION PUT: AGREED.

CLERK: Clause 6. Amendment of section 9.
Clause 7. Amendment of section 10.

MR. CHAIRMAN: The question is that Clauses 6 and 7 do stand part of the Bill.

QUESTION PUT: AGREED.

CLERK: A Bill for a Law to Amend the Tourism Law, 1974.

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

QUESTION PUT: AGREED.

THE STATISTICS (AMENDMENT) BILL, 1988.

CLERK: The Statistics (Amendment) Bill, 1988.

Clause 1. Short title.
Clause 2. Amendment of section 2.
Clause 3. Amendment of section 17.
Clause 4. Amendment of section 21.

MR. CHAIRMAN: The question is that Clauses 1 to 4 do stand part of the Bill.

QUESTION PUT: AGREED.

CLERK: A Bill for a Law to Amend the Statistics Law (Revised).

MR. CHAIRMAN: The question is that the Title do stand part of the Bill.

QUESTION PUT: AGREED.

THE CUSTOMS (AMENDMENT) BILL, 1988.

CLERK: The Customs (Amendment) Bill, 1988.

Clause 1. Short title.
Clause 2. Amendment to section 10.

HON. CAPT. CHARLES L KIRKCONNELL: Mr. Chairman, with regards to the second amendment of section 10, when this amendment is put into that section, I think there has to be another correction, because when reading it the corrected version would be, unless there are transit goods the export of the following goods 'is' I think needs to be changed to 'are'. I think in the old law it is 'is', so this also should be changed.

HON. RICHARD W. GROUND: Mr. Chairman, I am gratefully just shown a copy, and its the 'export' which is being a point I hear Members whispering around.

HON. CAPT. CHARLES L KIRKCONNELL: My error, Sir.

MR. CHAIRMAN: Thanks.
So the question is that Clauses 1 and 2 do stand part of the Bill.

QUESTION PUT: AGREED.

CLERK: A Bill for a Law to Amend the Customs Law (Second Revision).

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

QUESTION PUT: AGREED.

THE COMPANIES (AMENDMENT) BILL, 1988.

CLERK: The Companies (Amendment) Bill, 1988.

Clause 1. Short title.

HON. RICHARD W. GROUND: Perhaps, Mr. Chairman, I might mentioned on this Bill that the side notes have been omitted by the printer. They are present in the White Copy of the Bill which was circulated. I would be using the authority which Members gave me to reinsert them, but it is a rather big insertion, I thought I would just draw it to everyones' attention.

CLERK: Clause 2. Amendment of section 34.

MR. CHAIRMAN: The question is that Clauses 1 and 2 do stand part of the Bill.

QUESTION PUT: AGREED.

CLERK: A Bill for a Law to Amend the Companies Law.

MR. CHAIRMAN: The question is that the Title do stand part of the Bill.

QUESTION PUT: AGREED.

THE ELECTIONS (AMENDMENT) BILL, 1988

CLERK: The Elections (Amendment) Bill, 1988.

Clause 1. Short title.
Clause 2. Amendment of Second Schedule.

MR. CHAIRMAN: The question is that Clause 1 and 2 do stand part of the Bill.

QUESTION PUT: AGREED.

CLERK: A Bill for a Law to Amend the Elections Law, 1983.

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

QUESTION PUT: AGREED.

MR. CHAIRMAN: That concludes proceedings in Committee on a Bill entitled a Law to amend the Notaries Public Law, 1982 and other Bills.
The House will now resumed.

HOUSE RESUMED

REPORTS ON BILLS

MR. PRESIDENT: We now move to reporting on the Second Reading of those Bills.

THE NOTARIES PUBLIC (AMENDMENT) BILL, 1988

HON. RICHARD W. GROUND: Mr. President, I have to report that a Bill shortly entitled the Notaries Public (Amendment) Bill, 1988 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 (APPLICABLE CONVENTIONS) (AMENDMENT) BILL, 1988

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill shortly entitled The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1988 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 TOURISM (AMENDMENT) BILL, 1988

HON. W. NORMAN BODDEN: Mr. President, I have to report that a Bill shortly entitled a Bill for a Law to amend The Tourism Law, 1974 was considered by a Committee of the whole House passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE STATISTICS (AMENDMENT) BILL, 1988

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill shortly entitled The Statistics (Amendment) Bill, 1988 was considered 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, 1988

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill shortly entitled The Customs (Amendment) Bill, 1988 was considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: That Bill is accordingly set down for Third Reading.

THE COMPANIES (AMENDMENT) BILL, 1988

HON. THOMAS C. JEFFERSON: Mr. President, I, again, have to report that a Bill shortly entitled The Companies (Amendment) Bill, 1988 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, 1988

HON. J. LEMUEL HURLSTON: Mr. President, I have to report that a Bill shortly entitled The Elections (Amendment) Bill, 1988 was considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:

Mr. President, as it is nearing 4:30 P.M., and the business on the Agenda having been completed, I move the adjournment of this Honourable House until 10 o'clock tomorrow morning.

QUESTION PUT:

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. THURSDAY, 8TH SEPTEMBER, 1988.

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

**THIRD MEETING OF THE 1988 SESSION
THURSDAY, 8TH SEPTEMBER, 1988
SECOND 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, OBE	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

ORDER PAPER
OF THE
HONOURABLE CAYMAN ISLANDS LEGISLATIVE ASSEMBLY
THIRD MEETING OF THE 1988 SESSION
THURSDAY, 8TH SEPTEMBER, 1988
SECOND 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 Auditor General and the Audited Accounts of the Cayman Islands Government for the year ended 31st December, 1987

To be laid on the Table by the Honourable First Official Member of Executive Council.

- (2) 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 31st December, 1987

To be laid on the Table by the Second Elected Member for George town, Chairman of the Standing Public Accounts Committee.

3. QUESTIONS TO HONOURABLE MEMBERS

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

- No. 21: Can the Honourable Member state when the post of Principal Surveyor Supernumerary, as provided for in the 1988 Estimates under the Registrar of Companies, will be advertised and filled by a Caymanian?

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

- No. 22: Can the Honourable Member say what is the amount of new and increased taxes collected in the years 1986 to 1988?

- No. 23: Could the Honourable Member say what was the total rental received on the Tower Building from 1984 to 1988?

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 how many crew and staff respectively have been laid off and/or employed by Cayman Airways Ltd in the past year?

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

- NO. 25: Can the Honourable Member say what is the position on the introduction of the Building Code?

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

- NO. 26: Can the Honourable Member say how much money has been spent on the playfield at the commons in West Bay, and what is the estimated completion cost?

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

- NO. 27: Can the Honourable Member say if the United Kingdom has removed from its statute book the law requiring ships registered under the Cayman Flag to have a master, chief engineer and senior officers hold United Kingdom qualifications?

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

- No. 28:** Would the Honourable Member say whether the proceedings of the Legislative Assembly will be transmitted and broadcast over F.M. instead of A.M. to enable the people of the Lesser Islands to receive the broadcast; and whether the proceedings of this present meeting of the Legislative Assembly can be transmitted over F.M.
- No. 29:** Would the Honourable Member explain why Radio Cayman's A.M. broadcast cannot be received in Cayman Brac and Little Cayman on 1555 as had previously been possible?

4. OTHER BUSINESS

(i) PRIVATE MEMBERS' MOTIONS

- (1) **Private Member's Motion No. 8/88**
Revision of the Caymanian Protection Law, 1984

To be moved by the Second Elected Member for West Bay and seconded by the Elected Member for North Side.
- (2) **Private Member's Motion No. 9/88**
Social, Historical and Cultural Awareness

To be moved by the Second Elected Member for West Bay and seconded by the Elected Member for North Side.
- (3) **Private Member's Motion No. 11/88**
Fight Against Crime in the Cayman Islands

To be moved by the Second Elected Member for Bodden Town and seconded by the Elected member for East End.

(ii) PRIVATE BILLS:

The Church on Hospital Road (Incorporation)
Bill, 1988

6. GOVERNMENT BUSINESS

BILLS:

THIRD READINGS

- (1) The Notaries Public (Amendment) Bill, 1988
(2) The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1988
(3) The Tourism (Amendment) Bill, 1988
(4) The Statistics (Amendment) Bill, 1988
(5) The Customs (Amendment) Bill, 1988
(6) The Companies (Amendment) Bill, 1988
(7) The Elections (Amendment) Bill, 1988

7. ADJOURNMENT

To be moved by the Honourable First Official Member, Leader of Government Business.

TABLE OF CONTENTS

	PAGE
Prayers	1
Presentation of Papers and Reports	
Report of the Auditor General and the Audited Accounts of the Cayman Islands Government for year ended 31st December, 1987	1
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 31st December, 1987	1
Questions to Honourable Members	
Questions Nos. 21 and 22	6
Question No. 23	8
Question No. 24 and 25	9
Question No. 26	10
Questions Nos. 27, 28, and 29	11
Private Members' Motions	
Private Member's Motion No. 8/88 Revision of the Caymanian Protection Law, 1984	
Mr. W. McKeeva Bush	12
Mr. Linford A. Pierson	17
Mrs. Daphne L. Orrett	21
Mr. D. Ezzard Miller	23
Adjournment	24

THURSDAY
8TH SEPTEMBER, 1988

10:00 A.M.

PRAYERS

HON. BENSON O. EBANKS:

Let us Pray.

Almighty God, from whom all wisdom and power are derived: We beseech Thee so to direct and prosper the deliberations of the Legislative Assembly now assembled, that all things may be ordered upon the best and surest foundations for the glory of Thy Name and for the safety, honour and welfare of the people of these Islands.

Bless our Sovereign Lady Queen Elizabeth, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, Diana Princess of Wales and all the Royal family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Members of 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 the light of His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT:

Proceedings are resumed.

Executive Council.

Papers - The Honourable First Official Member of

PRESENTATION OF PAPERS AND REPORTS

**REPORT OF THE AUDITOR GENERAL AND THE AUDITED ACCOUNTS
OF THE CAYMAN ISLANDS GOVERNMENT
FOR THE YEAR ENDED 31ST DECEMBER 1987**

HON. THOMAS C. JEFFERSON:

Mr. President I beg to lay on the Table of this Honourable House the Auditor General's Report on the Accounts of the Cayman Islands Government for the year ended 31st December 1987.

MR. PRESIDENT:

So ordered.

Town.

Papers - The Second Elected Member for George

**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 31ST DECEMBER 1987.**

MR. LINFORD A. PIERSON:

Mr. President I beg to lay on the Table of this Honourable House the Report of the Public Accounts Committee on the Auditor General's Report on the Accounts of the Cayman Islands Government for the year ended 31st December, 1987.

MR. PRESIDENT:

So ordered.

MR. LINFORD A. PIERSON:

Mr. President the Public Account Committee was established by Government Motion No. 1 on the 20th November 1984 and functions under the provision of Standing Order No. 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 Report of the Auditor General -

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

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

(3) Upon its receipt by the Presiding Officer, a report mentioned in paragraph (1) shall be deemed to have been referred by the House to the Public Accounts Committee for consideration and shall forthwith be distributed on a confidential basis to all Members.

(4) In accordance with Standing Order 70, the Public Accounts Committee may call any public officer or, in the case of a report on the accounts of or relating

to a non-Government body or organization, any member or servant of that body or organisation, to give information or any explanation or to produce any records or documents which the Committee may require in the performance of their duties.

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

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

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

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

(9) Notwithstanding the provisions of Standing Order 72, the Report of the Public Accounts Committee shall have been deemed to have been agreed to."

MEMBERS OF THE COMMITTEE

On the 20th November 1984 the following Elected Members were nominated to that Committee.

Mr. Linford Plerson	-	Chairman
Mrs. Daphne Orrett	-	Member
Capt. Mabry Kirkconnell	-	Member
Mr. John McLean	-	Member
Mr. Ezzard Miller	-	Member

MEETINGS OF THE COMMITTEE:

The Committee held four meetings, and the Minutes of these meetings are attached to the Report and form an integral part thereof. The meetings were held on 6th July 1988, 13th July 1988, 27th July 1988 and 3rd August 1988. In the absence of a quorum a further meeting was held on the 20th July and the action taken was ratified at the meeting held on the 27 July 1988.

The Auditor General Mr. Roy Kelly, the Acting Financial Secretary Mr. George McCarthy and the Chief Accountant Mr. Louis Moncrieffe attended meetings as necessary in accordance with Standing Order 74(8).

The following witnesses appeared before the Committee:

6 July	Mr. Joseph Devlin	Senior Manager of Finance, Cayman Airways Limited.
27 July	Mr. Oswell Rankine	Principal Secretary for Health, Education and Social Services
27 July	Dr. Kenneth Grant	Chief Medical Officer
27 July	Dr. Frank Eleanor	Hospital Administrator
27 July	Mr. Mervin Conolly	Assistant Hospital Administrator
27 July	Mr. Walling Whittaker	Acting Chief Environmental Officer
27 July	Mr. Colford Scott	Manager of Central Funding Scheme
27 July	Mr. Rudolph Evans	Deputy Commissioner of Police and Acting Commissioner of Police
27 July	Mr. Kevin McCann	Chief Superintendent of Uniform Branch
27 July	Mrs. Melrose Whitelock	Supervisor of Vehicle Licences

ACKNOWLEDGMENTS:

Mr. President, 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 invaluable assistance given by the Auditor General during his six year tenure in the Cayman Islands, four of which he worked very closely with the present Committee, and wish for him on his retirement, all the very best.

The Committee wishes to thank the Clerk and staff of the Legislative Department for the services offered to the Committee.

The Committee also wishes to place on record its compliments to Government on the excellent presentation of the Reports and Accounts.

Finally, the Chairman of the Public Accounts Committee would like to thank all members of this Committee for their support given, their input and advice during discussions and for their efforts made to attend these meetings.

THE GOVERNMENT MINUTE:

The Committee wishes to place on record its appreciation of the Government Minute tabled on the 9 December 1987, in response to its last Report.

RECOMMENDATIONS:

The Committee's recommendations with respect to certain paragraphs of the Auditor General's Report on the 1987 Accounts are as follows:-

SUBMISSION OF 1987 ACCOUNTS:

The Committee notes that despite computerization of the accounts the Treasury has taken longer to prepare the 1987 Financial Statements than in previous years. It recommends that action be taken to ensure that the timetable prescribed in section 41 of the Public Finance and Audit Law is complied with in

future years.

GENERAL RESERVE ACCOUNTING POLICY:

The Committee is aware that action has recently been taken by the Standing Finance Committee under the provisions of section 29 of the Public Finance and Audit Law to legitimize the concept of a separate General Reserve Account. It notes however that the General Reserve figure in the Statement of Assets and Liabilities as of the 31 December 1987, includes part of a fixed deposit (\$2.6 million approximately) which was held by the Bank as collateral security at that date, the arrangement being the subject of a footnote to the Statement. Since the amount held as collateral is not available to the Legislature, the Committee considers that a more appropriate presentation be adopted when the Financial Statements for 1988 come to be prepared so that the unencumbered element of the General Reserve may be shown separately.

It recommends that the format of the Statement of Assets and Liabilities be modified accordingly.

VALUATION OF ASSETS:

The Committee notes that advance accounts of \$6 million approximately appearing as assets in the Statements of Assets and Liabilities as at 31 December 1987, include amounts totalling approximately \$3.2 million which cannot be realised. It understands that the accounts concerned will be charged to the budgetary accounts in 1988. It recommends that every effort be made in subsequent accounts to limit advances to items which can be readily recovered.

DEPARTMENTAL ADVANCE AND DEPOSIT ACCOUNTS:

The Committee recognises that a number of major departmental advance and deposit accounts have still to be analyzed and agreed by the Treasury and the Departments concerned. It recommends that every priority be given to these exercises and hopes that the necessary action can be taken before the 1988 Accounts are closed.

CAYMAN AIRWAYS:

The Committee is aware of an apparent deterioration in the Airline's financial position as shown in the Audited Accounts for the year ended 30 June 1987. Despite a Government subvention of US\$1.25 million in the year, the airline's working capital decreased by US\$1.1 million at the date of the account. It is unable to determine whether the deterioration is due to an inadequate subvention or to managerial problems in the airline. It recommends that Government clarify the considerations which are adopted when the level of subsidy for a particular year is set.

REVENUE:

The Committee notes that the consolidated statement of arrears of revenue required under the Financial Stores Regulation (FSR) 3.56 could not be prepared at the end of 1987. It recommends that the Treasury advise departments of their responsibilities in this regard so that this important accounting statement can be prepared in future years.

EXPENDITURE CONTROL - AUTHORITIES FOR EXPENDITURE:

The Committee is concerned at the poor standards of expenditure control exercised by some departments in 1987 which have resulted in excess expenditure on various heads in sub-heads in the recurrent budget. It recommends that all Controlling Officers be reminded of their responsibilities to maintain control at all times. They should be aware that the PAC may not deal so leniently if unauthorised expenditure is incurred in future years.

CAPITAL ESTIMATES:

The Committee recommends that the Financial and Stores Regulations 2.51, which deal with capital projects spanning more than one financial year, be complied with when the 1989 estimates are prepared. It further recommends that every effort be made to roll forward the material in the Five Year Economic Development Plan in conjunction with the formulation of the Capital Estimates.

FINANCIAL AND STORES REGULATIONS:

The Committee is aware that controlling officers and the Civil Service generally are still familiarising themselves with the contents and scope of the new Regulations. It attaches great importance to full compliance. It recommends especially that the procedures governing tenders and contracts (Cap. 8 of the Regulations) be followed and that the necessary machinery be set up centrally to ensure that the procedures can operate as they should.

CENTRAL PURCHASING:

The Committee recognizes that facts and figures about Government's overall procurement requirements are not readily available and looks forward to the time when data can be provided. It is aware that studies are to be undertaken to examine the viability of a central purchasing unit and to explore the possibility of employing a procurement agent for bulk purchases in North America. It recommends that every priority be given to these studies.

COMPUTER SERVICES:

The Committee notes with concern the open-ended nature of the financial commitment needed to maintain Computer Services. It is not convinced that the present administrative controls are producing the desired results nor is it convinced that the necessary computer expertise is available at a policy-making level.

It strongly recommends that an independent examination and technical audit be carried out as a matter of urgency on the adequacy of the existing systems and applications within Computer Services.

As recommended in previous Public Accounts Committee Reports, the Committee still considers that the outside computer expertise available locally should be harnessed. It further recommends that no further capital expenditure be entered into, whether for the new building or purchase of new equipment, until

these matters have been attended to.

THE TREASURY DEPARTMENT:

The Committee is aware that the computerization of the Treasury's accounts has given rise to various teething problems and notes the assurances by the Chief Accountant that these are being overcome. It is pleased to note that a Manual of Procedures is being developed in order to establish a smooth and disciplined routine within the department.

The Committee recommends that the Treasury fully adhere to the requirements laid down in the Financial Stores Regulations both for procedures within the Treasury and for those involving coordination between the Treasury and outside departments.

THE IMMIGRATION DEPARTMENT:

The Committee is not satisfied with the present standards of financial control within the department and is not convinced that sufficient steps have been taken to upgrade the obvious defects in the present arrangements.

It strongly recommends that a departmental cash office and accounting unit be established within the department as a matter of urgency.

THE POLICE DEPARTMENT - LICENSING SECTION:

Despite initial teething problems, the Committee understands that the new computerized accounting arrangements are starting to function smoothly. The Committee has considered ways in which service to the public can be improved. It has suggested that the controlling officer look into the possibility of establishing vehicle inspection points at police stations outside of George Town and recommends that Government give full consideration to any proposals put forward using the West Bay Station as a pilot project.

OVERSEAS MEDICAL ADVANCE ACCOUNTS:

The Committee notes that the advance accounts outstanding at the end of 1987 have been analysed in detail.

It recommends that the Treasury should liaise with the Portfolio so that the 1988 budgetary accounts can be charged as soon as possible with:-

- (a) the amounts already written off by the Finance Committee and
- (b) other amounts now to be treated as interest-free loans.

It further recommends that a system of continuous review be instituted to prevent a further accumulation of advances in the category.

THE CAYMAN NATIONAL CULTURAL FOUNDATION:

The Committee recognises the backlog of work needed to produce up to date audited accounts since the Foundation's inception in 1984 but is nevertheless concerned about the apparent delay. It looks forward to the time when these initial accounts are tabled and strongly recommends that the portfolio take all the necessary action to ensure that the accounting and audit requirements prescribed by Law are complied with. The Committee understands that the auditors have been donating their services and further understands that this arrangement is being reviewed. It further recommends that a routine be established to ensure that in future the annual audited account of the Foundation are tabled promptly.

STUDENT LOANS AND SCHOLARSHIPS:

The Committee is pleased to note the progress made with the control of students' loans and scholarships.

It recommends that the present momentum be sustained to ensure that all loans and recoverable amounts are collected. It should be recognized that defaulting students of today could jeopardise the prospects of assistance to students of tomorrow.

HIRING OF EQUIPMENT - THE ENVIRONMENTAL HEALTH SERVICES:

The Committee notes with concern that in certain cases the Environmental Health Unit had failed to channel its request for equipment through the Central Funding Scheme but had made hiring arrangements with the private sector direct. It notes that the information requested by the Auditor General has not yet been furnished and has requested the officers concerned to prepare a full report of the circumstances which have given rise to the query. The Committee asks to be supplied with this information when it becomes available.

HOSPITAL FEES:

The Committee notes that outstanding fees at the George Town Hospital continue to present a serious problem. The initiatives recently taken to improve the rate of collection appear to have produced disappointing results. It recognises that the arrears problem at the George Town Hospital and the problem of Overseas Medical Advance accounts (please see recommendation number 15 above) are closely linked. The Committee was informed that a feasibility study had been instituted to examine the viability of a nationwide insurance scheme which would have the merit of guaranteeing the recovery of medical cost and fees incurred on treatment given both locally and overseas. It recommends that these studies be vigorously pursued and looks forward to the preparation and presentation of a detailed report.

GARBAGE FEES - THE ENVIRONMENTAL HEALTH SERVICES:

Whilst recognising the improvement of the collection of current garbage fees, the Committee is concerned that no action has been so far taken to attempt the recovery of fees due for 1987 and earlier. It recommends that Environmental Health Services liaise with the Treasury so that data from these earlier years can be incorporated in the unit's revenue records.

DREDGING NORTH SOUND:

The Committee notes with concern the apparent failure of the Portfolio to exercise control over the development described by the Auditor General and is particularly concerned that potential revenue may have been lost.

It recommends that a full report of the circumstances be made in due course and that guidelines be drawn up for the future control of all developments involving dredging in the North Sound and other coastal waters, and Mr. President for clarity I wish to point out that the Auditor General's Report is laid on the table of the House, if anybody would wish to get further information on this particular point.

THE DEPARTMENT OF AGRICULTURE REVENUE AND STORES CONTROL:

The Committee is concerned to note the flagrant breaches of stores and revenue control which obtain throughout the whole of 1987.

It recommends that the requirements of the Finance and Stores Regulations be strictly adhered to in future.

DEPARTMENT OF TOURISM OVERSEAS OFFICES:

The Committee recognises the special circumstances affecting the employment of staff in the Department's Offices in North America and London. It is nevertheless concerned that the arrangements governing salaries, conditions of service, and establishment's structure in the overseas offices appear to be determined with virtually no reference to the Personnel Department and the Public Service Commission.

It strongly recommends that the Principal Secretary (Personnel) carry out a review of present policies as a matter of urgency so as to establish a system of accountability and control comparable with that which already applies to the local Civil Service.

POSTAL DEPARTMENT:

The Committee notes that some progress, albeit slow, has been made with the accounts of the Post Office but recognises that the necessary controls are not yet operating as they should.

The Committee recommends that the Controlling Officer should continue to consult as necessary, with the Finance Department and the Auditor General to upgrade the accounting standards within the department.

PUBLIC WORKS DEPARTMENT - THE UNALLOCATED STORE SECTION:

The Committee notes that accounting standards within the store section has shown marked improvement. It is aware that a Board of Survey is to be appointed to review the considerable holdings of slow moving and redundant stocks and recommends that priority be given to this exercise.

CENTRAL FUNDING SCHEME:

The Committee generally endorses the proposals set out in the "Hill Report" and notes that a second consultant has been engaged to advise on their implementation. It recommends that this exercise be carried out expeditiously but considers that changes should only be made when it is known that the necessary additional staff and resources are available.

AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD:

The Committee recognises the staffing difficulties recently experienced by the Board but is nonetheless concerned at the delay in the production of the 1986 Accounts. It understands that the 1987 Accounts may also be delayed. The Committee recommends that every attempt be made to render these accounts more promptly in the future.

CIVIL AVIATION AUTHORITY:

The Committee recognises the reasons for the delay in producing the Statement of Accounts for the initial period of operation of the Civil Aviation Authority. In the Committee's view it is imperative that the accounts be drawn up in as realistic a manner as possible and recommends that every priority be given to resolving the accounting questions which appear to be holding up these financial statements.

THE WATER AUTHORITY:

The Committee understands that preparations are in hand for the Water Authority to commence operations as an autonomous body with effect from 1989.

It recommends that the necessary preparatory work be carried out in the remaining months of 1988 so that difficulties such as those being experienced by the Civil Aviation Authority may be avoided.

THE REPORT OF THE COMMITTEE TO THE HOUSE

The Committee agrees that this be the Report of the Public Accounts Committee, to be laid on the Table on the Third Meeting of the 1988 Session of the Legislative Assembly, commencing on the 7 September, 1988.

Honourable House, and may I again take this opportunity to thank all those who assisted the Committee since its establishment on the 20 November 1984.

Mr. President I recommend the Report to the Honourable House, and may I again take this opportunity to thank all those who assisted the Committee since its establishment on the 20 November 1984.
Thank you Mr. President.

MR. PRESIDENT:
- No. 21. The Elected Member for North Side please.

We move to Item 3 on today's Order Paper. Questions

QUESTIONS TO HONOURABLE MEMBERS

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

NO. 21: Can the Honourable Member state when the post of Principal Surveyor (Supernumerary), as provided for in the 1988 estimates under the Registrar of Companies, will be advertised and filled by a Caymanian?

ANSWER: Before attention can be properly given to the recruitment of a suitably qualified Caymanian to fill the post of Principal Surveyor, Supernumerary, priority must first be directed to ensure that the New Marine Survey Department is established on a firm footing with the necessary legislation, Conventions and Rules in place.

The post will therefore continue to be carried in the estimates until such time as the preceding objectives are achieved, following which the recruitment process will be initiated.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

MR. D. EZZARD MILLER: Mr. President could the Honourable Member state whether in his opinion that it would not be advantageous to have the Caymanian recruited while all this legislation and stuff is being drafted and put in place?

HON. THOMAS C. JEFFERSON: I think that is a matter of opinion Mr. President. In my view, the first stage in the creation of a new department is to ensure that all of the bits and pieces which are necessary for it to operate in an efficient manner are put in place before we introduce a new person to the department who will have, to some extent, to be trained. I do not think that the department at the present time has that time available. What they are concentrating on is getting all the legislation in place and we have not finished all the negotiations with the United Kingdom's Government, so we are not just now ready for it.

MR. D. EZZARD MILLER: Mr. President, I wonder if the Honourable Member could state whether a suitable qualified Caymanian is defined as it was defined to me by the present Chief Surveyor? That is, he must first have a British Naval Architect degree, British Masters Licence, be a Lloyds American Bureau of Shipping Germanski Lloyds Inspector, International Pollution Inspector, Lloyds Life Inspector, Safety of Life at Sea Inspector, Fire Fighting Certificate, know everything in approximately 20 blue books, and then he needs a university set up at his department in the Tower Building so that he can train the Caymanian after he gets all his qualifications.

HON. THOMAS C. JEFFERSON: Mr. President the answer given to the Member for North Side is my answer not the Chief Marine Surveyor's answer.

MR. D. EZZARD MILLER: Mr. President could he then give us his definition of a suitable qualified Caymanian?

HON. THOMAS C. JEFFERSON: Simply a person who has the experience and technical skills to do the job.

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

MR. G. HAIG BODDEN: Mr. President, may I ask the Member. Is it normal practice to advertise the post like this, so that Caymanians may apply for the job?

HON. THOMAS C. JEFFERSON: It is normal practice in my book Mr. President, that all post are advertised in the Civil Service unless of course we knew from the outset that there is nobody around.

MR. G. HAIG BODDEN: May I ask Mr. President, if the advertisements for this post are handled in the same fashion as advertisements for the Commissioner of Police post?

HON. THOMAS C. JEFFERSON: If we go back to the Finance Committee's Meeting which was held in November of last year, this post of Principal Surveyor (Supernumerary) was created to enable a qualified Caymanian to be a part of the Marine Survey Department, therefore that post, when I think it is right, will be advertised locally.

MR. D. EZZARD MILLER: Supplementary Mr. President. Could the Member state whether in stating a suitable qualified Caymanian if equal consideration will be given to Caymanians who have Masters Liberian Licence as opposed to British Masters Licence on ships.

HON. THOMAS C. JEFFERSON: I am sure that qualifications of the type mentioned by the Member will be taken into consideration.

MR. PRESIDENT: Before we move to the next question, on a point of information for the Second Elected Member for Bodden Town, the regulations on the advertisement of posts and which post it applies to are set out in the Public Service Commission Regulations which is a public document.

Next question please, No. 22, the Elected Member for East End.

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

NO. 22. Can the Honourable Member say what is the amount of new and increased taxes collected in the years 1986 to 1988?

ANSWER: According to the 1986 Budget Speech, delivered on 29 November 1985, it was estimated that new revenue measures would have yielded an increase of \$5.5m in ordinary revenue for

that year. This sum was projected to be exclusively in excess of any amount that would be realised from the average growth rate in revenue which between 1983 and 1985 approximated 5.55 per cent annually.

Assuming that the same growth in local revenue of 5.55 per cent would have continued for 1986 through 1988, excluding the new measures introduced, it thus becomes necessary to factor out this growth percentage for these years in order to derive that level of excess in revenue that could ordinarily be attributed to those new measures which became effective in 1986. Therefore, using 1985's local revenue (\$54,532,717) as the base year for measurement purposes, increases attributable to new and increased revenue measures effective 1986 onward would be as follows:-

1986

Local Revenue - 1986	\$62,944,524	
Less: Revenue from 1985 + Growth Rate of 5.55% = \$54,532,717 + (5.55%)(54,532,717)	* < 57,532,016	
Revenue Attributable to New Measures - 1986		\$5,412,508

1987

Local Revenue - 1987	\$72,012,341	
Less: Derived Revenue for 1986, unaffected by New Measures Plus Growth Rate = *\$57,532,016 + (5.55%) (\$57,532,016)	* < 60,696,277 >	
		\$11,316,064
Less: Adjustments in recognition of items of significance due to fluctuating trends:		
(i) Excess in import duty collections not due to new measures (actual collection - Budgeted Collection) = \$27,689,538 - \$23,500,000	< 4,189,538 >	
(ii) Excess in stamp duty not due to new measures (actual collection - budgeted collection) = \$9,409,874 - \$6,500,000	< 2,909,874 >	
ADD: (iii) Shortfall in travel tax due to transfer of accountability to Civil Aviation Authority as of 1st June, 1987 (budgeted collection - actual collection) = \$2,480,000 - \$1,308,713	<u>1,171,287</u>	
Element of Revenue in 1987 attributable to new measure introduced effective 1986.		\$ 5,387,939

1988

Local Revenue (1st January-31st July 1988)*	<u>\$51,822,559</u>	
Less: 72.73% of derived revenue (based on 1985 adjusted local revenue figure) Plus growth rate 5.55% excluding effects of new revenue measures. (72.73%)(60,696,277) = \$44,144,402 + (5.55%)(44,144,402)	< 46,594,416 >	
Element of revenue for period 1st January to July, 1988 attributable to new measures.		\$ 5,228,143
Total approximate revenue attributable to new and increased measures collected between 1986 to July 1988.		<u>CI\$16,028,590</u>

The preceding revenue figures do not include amounts raised through loans which between 1986 and July 1988 amounted to CI\$13,544,056. The figure of 72.73 per cent used in determining the 1988 derived revenue as per above is arrived at by comparing the actual revenue collection for the period January through July 1988 with the budgeted local revenue for the year. The actual collection was (\$51,822,559 against the budgeted revenue \$71,258,778 - 72.73%).

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries - The Second Elected Member for Boddan Town.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if it is correct that the little over \$16,000,000 of new taxes that were collected, actually came from items which directly affected local people and also came from items such as Garbage Fees and motor vehicle taxes, business licences etcetera?

HON. THOMAS C. JEFFERSON: Mr. President, referring to the Budget Address which was given on the 29 November 1985, in respect of the year 1986, on page 34 it mentions that these measures should produce 5.5 million for the year 1986.

These measures are garbage and refuse disposal increased in those fees, and the annual fee for condominiums, residential housing, restaurants, bars, hotels and business premises. There were also increases in the banks and trust companies annual fees. There were increases in the travel tax and there was an increase of traffic fees. Insurance licence fees were also increased.

So was Trade and Business Licence and in respect of Customs duties the import duty on gasoline and diesel oil was increased from 8 cent per gallon to 13 cent per gallon. I think that exhaust the list Mr. President.

MR. G. HAIG BODDEN: Can I ask the Member if he mentioned an increase in motor vehicle licences, did that occur during this period?

HON. THOMAS C. JEFFERSON: Yes Mr. President I referred to it as traffic fees.

MR. G. HAIG BODDEN: Mr. President may I ask the Honourable Member if there were some increases in the Liquor Licensing fees when the conversion was made in the calculation of the duty from gallons to liters?

MR. PRESIDENT: I think the Member is referring to the most recent budget.

HON. THOMAS C. JEFFERSON: Mr. President, there was an increase resulting from the change in the Customs Regulations sometime ago in respect of the importation of beverages including alcohol.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: Yes Mr. President, I wonder if the Member could state the differential factor of the garbage fees which are increased between residential and hotels.

HON. THOMAS C. JEFFERSON: Mr. President, the Budget Address reads that it is recommended that the annual fee in respect of a private home be increased from \$18.00 to \$50.00. In respect of a condominium, from \$50.00 to \$100.00 per year. With regards to hotels, it depends on the number of bedrooms the property has. Up to 19 bedrooms from \$400.00 to \$600.00, 20 to 39 bedrooms \$800.00 to \$1200.00, 40 to 60 bedrooms \$1200.00 to \$1500.00, over 60 bedrooms from \$1600.00 to \$2,000.00.

MR. PRESIDENT: We have run out of time, if you wish to proceed with questions we must suspend Standing Orders.

SUSPENSION OF S.O. 23(7)

HON. THOMAS C. JEFFERSON: Mr. President I move the suspension of Standing Order 23(7) by using Standing Order 83 so that the Question Time may continue.

MR. PRESIDENT: The motion is that the Standing Orders be suspended in order that questions may be completed.

QUESTION PUT: AGREED. **STANDING ORDER 23(7) SUSPENDED TO ALLOW THE REMAINING QUESTIONS TO BE TAKEN.**

MR. PRESIDENT: Question No. 23, the Elected Member for East End please.

MR. JOHN B. McLEAN: Mr. President I would like to thank the First Official Member for his comprehensive answer on question 22, and I would like to ask the same Member question No. 23.

THE ELECTED MEMBER FOR EAST END TO ASK HE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 23: Could the Honourable Member say what was the total rental received on the Tower Building from 1984 to 1988.

ANSWER: The answer to this question, Mr. President, is that the total rental received between 5 July 1984 to 24 July 1988 when the last tenant vacated the Tower Building amounted to C\$366,143.00.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President can the Member say how this figure of C\$366,143.00 compares with the payments made to the bank during that same period for the repayments on the loan?

MR. PRESIDENT: I do not think that arises from the original question which was a question on rental.
The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, supplementary. I wonder if the Member could say if the amount mentioned in his answer was placed directly to General Revenue, or was it used to repay the loan?

HON. THOMAS C. JEFFERSON: The amount referred to Mr. President was placed in General Revenue, but loans are paid from General Revenue as well.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: A supplementary Mr. President. Could the Member state if there were any cost to Government involved, in terms of utilities or this was just straight unabridged revenue?

HON. THOMAS C. JEFFERSON: I am not absolutely sure I understand the question, could the Member kindly repeat it please?

MR. D. EZZARD MILLER: What am asking Sir is, is there any cost which could be applied to this area of the building during this period, or was it just revenue collected on a square footage without Government having to pay utilities for the building or anything else?

HON. THOMAS C. JEFFERSON:

Now I clearly understand. Thank you.

I think the question Mr. President, was in respect of rental income received. I am sure that all of us would appreciate that there are expenses involved with the running of the Tower Building.

MR. PRESIDENT:
End.

Question No. 24 please, the Elected Member for East

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 how many crew and staff respectively have been laid off and/or employed by Cayman Airways Limited in the past year?

ANSWER: The number of employees employed and laid off during the past year are as follows: -

Employed - 59
Laid Off - 13

SUPPLEMENTARIES:

MR. PRESIDENT:

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:
separate amounts for crew and staff?

Mr. President I wonder, can the Member tell us the

HON. W. NORMAN BODDEN:

Yes Mr. President. That should have been included in the answer and I apologize for it not being included, but I have it here. There were 36 flight crew members and 23 ground staff.

MR. G. HAIG BODDEN:
separate number for those laid off?

Mr. President, can he also give us the breakdown - the

HON. W. NORMAN BODDEN:
ground staff included in the 13.

Yes Mr. President there were 12 flight crew and one

MR. JOHN B. McLEAN:

the one ground staff was a Caymanian or an expatriate?

Mr. President I wonder if the Member could say whether

HON. W. NORMAN BODDEN:
Caymanian.

The one ground staff that I referred to Mr. President is a

MR. JOHN B. McLEAN:
off?

Is it not also correct that an expatriate officer was laid

HON. W. NORMAN BODDEN:
non-Caymanian and one was Caymanian.

In the 13 that I referred to as being laid off, 12 were

MR. JOHN B. McLEAN:

I was speaking of the ground staff.

HON. W. NORMAN BODDEN:

Not according to my information Mr. President. I was given from the company that there were 13 laid off. When I questioned who was involved they said 12 were flight crew and one was ground staff and the 12 which were laid off were non-Caymanian.

MR. JOHN B. McLEAN:

Mr. President I wonder if the Member could say whether it is correct that several other local officers have been given letters of warning of termination?

MR. PRESIDENT:

I do not think that arises from the question.

next question.

If there is no more supplementaries we will go to the

The Second Elected Member for Bodden Town please.

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

NO. 25: Can the Honourable Member say what is the position on the introduction of the Building Code?

ANSWER: The draft of a Building Code for the Cayman Islands was completed at the end of 1987 and sent out in early 1988 for public comments. It was eventually accepted in the large majority in Grand Cayman. However, the Lesser Islands contended that while the Code suited Grand Cayman, it being an urban area, and also from the fact that Grand Cayman was perhaps 20 years ahead of the Lesser Islands in economic and physical development, the Lesser Islands should be regarded as a suburban area and therefore operate under a less bulky Code adaptable to the situation and need in that area.

An exercise is now in progress to produce such a code for the smaller Islands which, when completed, will be presented to this Honourable House simultaneously with the Grand Cayman Code.

SUPPLEMENTARIES:

MR. PRESIDENT:

Supplementaries.

MR. G. HAIG BODDEN:

Can the Honourable Member tell us why he did not follow the procedure used in the Development Plan some years ago when there were objections from residents of Cayman Brac that the Lesser Islands were exempted from the Plan? Why were they not simply exempted from the Code, and the Code put in for Grand Cayman and later on they could have done guidelines to suit the Lesser Islands?

HON. VASSEL G. JOHNSON: Mr. President as far as I know the Development Plan which the Member is referring to, was introduced during 1977 and they were responsible for it certainly not me. The Lesser Islands were omitted from the provision of a Development Plan at that time. It is just now that they have come forward and asked for a Development Plans which are being prepared, one for Little Cayman and one for Cayman Brac. They themselves have requested a less bulky Building Code and that is exactly what we are doing. We have complied with the request of the Lesser Islands, both with the Development Plan and with the Building Code.

MR. G. HAIG BODDEN: Mr. President, what I am trying to find out is, if the real reason for not putting the Lesser Islands in the Building Code was because the Code was not acceptable to Grand Cayman? Can he tell us if that is the reason or if it had some political overtones?

MR. PRESIDENT: Now that is two questions. Take the first one first please.

HON. VASSEL G. JOHNSON: Mr. President I said in my original answer that the Building Code was accepted by a large majority in Grand Cayman. Nothing that you put to the public is going to be accepted 100 per cent regardless of what it is, but the Building Code for Grand Cayman has been accepted in the large majority.

MR. PRESIDENT: The Elected Member for East End.

MR. JOHN B. McLEAN: Supplementary Mr. President. If I am understanding the Member correctly then my question is, why could not the Code from Grand Cayman go through now, and the one for Little Cayman at a later date?

HON. VASSEL G. JOHNSON: Mr. President I am not too sure whether the Member for East End attended all the meetings in the Committee Room dealing with the Building Code, but had he been there he would have known the reason why the Building Code is not been presented this year. The Government decided not to put it forward until the Cayman Brac and Little Cayman Code was completed.

MR. G. HAIG BODDEN: Mr. President can the Member tell us when he will put it forward?

HON. VASSEL G. JOHNSON: Mr. President that question will have to be directed to the Government which will be appointed in November.

MR. G. HAIG BODDEN: Mr. President is he saying that it will be after the elections?

MR. PRESIDENT: The question is directed to the Honourable Member not to the Chair.

HON. VASSEL G. JOHNSON: Mr. President, it is obvious that the Lesser Islands' Code will not be completed before the end of the year.

MR. PRESIDENT: The next question on the Order Paper will be taken by the First Elected Member of Executive Council not the Third Elected Member as the Order Paper says.

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

NO. 26: Can the Honourable Member say how much money has been spent on the playfield at the commons in West Bay, and what is the estimated completed cost?

ANSWER: The 1988 Budget - Head 41-023 - allocated \$70,000 for the West Bay civil project. To date \$69,115 have been spent, mainly on the construction of a football field. The preliminary estimated cost of completion is C/\$390,000.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

MR. G. HAIG BODDEN: Mr. President I wonder if the Member can give us a break down on this estimate, as it definitely appears to be high, what is the reason for the high cost?

HON. BENSON O. EBANKS: Mr. President the cost appears high because it is a complex rather than a single football field. The preliminary estimate as given by Public Works Department is:

(1)	the completion of the football pitch	- \$ 70,000.00
(2)	chain link fence to the pitch	- \$ 9,000.00
(3)	lighting	- \$ 25,000.00
(4)	changing rooms	- \$ 130,000.00
(5)	car parking and access road	- \$ 70,000.00
(6)	further practise pitch	- \$ 44,000.00
(7)	contingencies	- \$ 42,000.00

and there is an unstated figure Mr. President for bleachers. I do not know whether that is a part of the contingency figure or not.

MR. G. HAIG BODDEN: Mr. President, can the Member tell us if heavy rains which we had recently affected the construction and so brought the cost of the field up to \$70,000?

HON. BENSON O. EBANKS: Mr. President in my view the rains did not cause the result in any increased cost.

MR. PRESIDENT: There appears to be no more supplementaries. Question No. 27 - The Second Elected Member for Bodden Town.

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

NO. 27: Can the Honourable Member say if the United Kingdom has removed from its statute book the Law requiring ships registered under the Cayman flag to have a Master, Chief Engineer and Senior Officers hold United Kingdom qualifications?

ANSWER: Strictly speaking, the answer to the Member's question is that there has never been a Law in the United Kingdom which had the effect set out in his question. However, knowing of the interest which he and others have taken in certification, generally, I would like to add a little more on this subject, and hope that the Member and the Assembly will allow me to do so even though it means my going outside the strict terms of that question.

The Member and others will be glad to know that we are now in the advance stages of discussions with Her Majesty's Government about manning and certification, and hope that we shall very soon be in a position to announce a new regime of our own which will be at the same time the most modern, logical and flexible within the commonwealth, which will take the place of all restrictions hitherto existing or thought to exist.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

MR. G. HAIG BODDEN: Mr. President, as the answer appears a bit vague I am wondering if the Member would tell me if the latter part of the answer means that ships registered in Cayman will be able to be manned with officers that do not have UK rating?

HON. THOMAS C. JEFFERSON: Mr. President, as I tried to outline, we are still in discussion with Her Majesty's Government on this subject. We are trying desperately to widen or to make it as flexible as possible to accept nationalities and certifications that we know are reputable.

MR. G. HAIG BODDEN: Mr. President may I ask if it is correct that at the present time it is a requirement of the certification process that the ships that are registered now will need UK officers?

HON. THOMAS C. JEFFERSON: Mr. President our Marine Legal Council advises me that there is no legislation on the United Kingdom books that requires that.

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. 28: Would the Honourable Member say whether the proceedings of the Legislative Assembly will be transmitted and broadcast over Radio Cayman FM instead of AM to enable the people of the Lesser Islands to receive the broadcast; and whether the proceedings of this present meeting of the Legislative Assembly can be transmitted over FM?

ANSWER: The Third Meeting of the 1988 Session of the Legislative Assembly is being broadcast on Radio Cayman's AM frequencies of 1205 and 1555 kilohertz. Had there been no AM broadcast, the Legislative Assembly broadcast would have been carried on FM as a service to the Lesser Islands.

SUPPLEMENTARIES:

CAPT. MABRY S. KIRKCONNELL: Supplementary Mr. President, is the Honourable Member aware that the 1555 kilohertz is not transmitting?

HON. J. LEMUEL HURLSTON: Mr. President I think perhaps if we had had the questions in the reverse order on the Order Paper we may have avoided this sort of a supplementary, but that answer is coming in the very next question.

MR. PRESIDENT: Would it be agreeable if the next question is put then?
Please, supplementaries of course.

CAPT. MABRY S. KIRKCONNELL: Mr. President, another supplementary. Sometime ago I asked during a debate in this Honourable House if considerations would be given when FM was introduced to Cayman Brac if they would transfer the broadcast to FM to somewhat limit the distance that our broadcast went overseas. I am asking now if this could be given consideration since we are receiving FM very nicely in Cayman Brac at the present time.

HON. J. LEMUEL HURLSTON: Mr. President Honourable Members will be aware that the introduction of the FM service is being done on a phased and a trial basis. Only when we are operating on a full schedule of FM would it be desirable to give further consideration to the Member's suggestion. Certainly we all recall his suggestion, we accept in principle the merit of that suggestion, and it will be considered at the appropriate time.

MR. PRESIDENT: Question No. 29 then please. The First Elected Member for the Lesser Islands again.

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. 29: Would the Honourable Member explain why Radio Cayman's A.M. broadcast cannot be received in Cayman Brac and Little Cayman on 1555 as had previously been possible?

ANSWER: On the 8th August, 1988, the Gun Bluff 1555 transmitter installation took a massive lightning strike which burnt the main power transformer which had to be replaced. The replacement transformer was ordered and has been received and installed. Transmission resumed on Monday, 5th September, 1988.

MR. PRESIDENT:
suspended for 15 minutes.

That concludes Questions Time. Proceedings are

AT 11:28 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:52 A.M.

MR. PRESIDENT:

Proceeding are resumed. Item 4.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTIONS MOTION NO. 8/88 REVISION OF THE CAYMANIAN PROTECTION LAW, 1984

MR. PRESIDENT:

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

No. 8 standing in my name which reads:

Mr. President, I beg to move Private Member's Motion

"WHEREAS the Cayman Islands are a small country with a small population of indigenous people;

AND WHEREAS by recent findings it is known that in a few years indigenous Caymanians will be out numbered;

BE IT RESOLVED that consideration should be given to revising the Caymanian Protection Law, 1984 in order to:

- (i) limit the acquisition of Caymanian Status, while defining the word Caymanian; and further
- (ii) provide another form of residential status to assure security of tenor for non-Caymanians."

MR. D. EZZARD MILLER:

Mr. President I beg to second the Motion.

MR. PRESIDENT:

Private Member's Motion No. 8 of 1988 has been duly moved and seconded, would the Mover wish to speak to it?

MR. W. McKEEVA BUSH:

Mr. President I rise to address a very old matter called Immigration. Its dates back from Bible times to the present day when most countries are faced with immigration problems.

In ancient Egypt one had to be born of Egyptian parents to become a citizen. Only the Pharaoh along with his Ministers through their own good pleasures were able to bestow citizenship to persons who were not Egyptian by birth. Of course, those of us who read our Bible know that the Pharaoh granted citizenship to Joseph an outsider, because of his ability to save them. Joseph's brother's father Kinred went to Egypt lived and worked there, but was not granted citizenship immediately or some never received it at all.

The ancient Greek Immigration Laws were very strict. The Roman Immigration rules which emanated from the Roman Senate were very strict. One could read about it in the New Testament and see the extent to which they went. They all had their problems and the Cayman Islands are no exception.

And by the way Mr. President, I believe it is next year that the United States will celebrate 200 years of their Immigration Law.

Because this matter is so sensitive, I wish to say that I bear no ill will against anyone or against any particular nationality. I would not wish injury to any man, and I would not wish to see anyone stateless. This resolution is tabled because of the grave situation these Islands are faced with concerning immigration.

Mr. President, I would refer to this morning's newspaper which headlines 'Immigration Outpaces Projection'. I would read certain sections from this article to substantiate the urgency and to help put my case in a good prospective, and it reads:

"The number of foreigners coming to Cayman to work is increasing almost twice as quickly as the tolerable figure projected in the Economic Development Plan, and if current trends continue that means that the 60/40 cut off level of Caymanians to foreigners in the total population will be reached in 1991, a full seven years earlier than the date projected in the Economic Development Plan which was approved by MLA's in February this year.

Administrative Secretary, Mr. Lemuel Hurston, confirmed that the number of work permits were increasing at a rate of 13.2 per cent a year based on averages for the last three to four years.

The Economic Development's Plans projections are based on a 7.5 per cent rate of increase, and the plan list alternatives for an increase growth rate of 10 per cent.

According to figures recently published by the Statistic Department, Cayman's population numbered 23,400 at the end of 1987. The Caymanian population rose by 2.4 per cent to 16,000 while the non-Caymanian population rose by 26 per cent to 7,500. At the end of 1987 non-Caymanians comprised an estimated 32 per cent of the resident population.

Last year however, was seen to be somewhat of a freak year for work permits because of the opening of the two large hotels. Mr. Hurston who Chairs an Exco sub-committee which deals with Immigration matters said that the matter was under review by the Committee, which comprises the four Elected Members, the Attorney General and himself.

Actual growth has really been unusually high. The country has been in an accelerated pace of development and the boom brings with it these kinds of pressures, he said no one is denying the rate of growth has been rapid.

Mr. Hurston said, "At the time the Economic Development Plan was accepted, the 7.5% rate of work permit growth was seen as the most tolerable pragmatic and reasonable rate of growth. The actual rate had exceeded the projected."

Mr. Hurlston stressed that what to do with that knowledge was a question for the political directorate of the country which put into practice the views of the electorate. "While a decision needed to be made," said Mr. Hurlston, "I would not say a definite decision is necessary, but a review of a parameters of what is tolerable, not just our expectations but, our expectations plus what we will tolerate."

The Economic Development Plan estimates a population of 23,325 people by the end of 1992. Those subsequent Government documents notably the Master Ground Transportation Study, gives a higher estimate of 27,600. "When we reach the 40 per cent level" said Mr. Hurlston, "we would have to decide whether to stop completely or go on as we are, or carry on more slowly."

The Economic Development Plans says that it has never been suggested in the past that a level of 40 per cent non-Caymanians out of the total population should not be exceeded in order to ensure the maintenance of the country's social and political stability.

Mr. Hurlston says this has been the accepted figure for 20 years or more, and to his recollection had been accepted during the passing of the original Caymanian Protection Law in 1972. The ratio was accepted in legislation which set out that local companies should have 60 per cent Caymanian ownership.

Mr. Hurlston concluded that a review of the situation at this time was certainly merited".

I am happy also to end on that note which means that Government will definitely accept this resolution today.

I have read that Mr. President, because as I said, I believe it sets out exactly what has happened and what is going to happen. There are many ideas talked around this country, and many solutions suggested as to the cure of our immigration problems. In our developing country we as leaders must not accept every idea that is suggested. If we did we would have no policy and we must have a policy or therefore a situation which would make us worse off would exist. I believe everybody agrees with that. To have a policy we must have a philosophy because if we do not have a philosophy then in deciding that policy we will always then want to do whatever we think is most likely to appeal to people in the short run. We then will not use policy to get about the business of changing what we know needs to be changed to create a better organization of the affairs of the country in the best interest of the country.

Our policy as far as I am concern must flow from our philosophy. If it does not then that policy is bound to be bankrupt of purpose or have no purpose at all. Therefore, we must consider first of all what is our philosophy. By philosophy I mean what kind of country are we trying to build, when we look at our present situation as concerning immigration and we look at the future we have to say to the country at large what is happening, what are we trying to do, what does today's child hope to come into when he or she grows up as a consequence of what we do?

The sole reason myself and the Seconder of this resolution have for tabling this Motion is founded on two things. First is the bare fact that in a few short years we the indigenous Caymanians would be out numbered. The second is that it is my philosophy always, that my Caymanian people should control their destiny. That is my philosophy Mr. President.

That is not to say run all foreigners away, I have never advocated such a policy. In our economy such a policy could work to our disadvantage. Those that would be so radical should think through all connected matters thoroughly to get a glimpse of the problem that policy would create before they advocate it.

What we are dealing with in this issue is not the policy of deciding whether we need foreign investment or whether we do not need it. We all know we need it. Rather Mr. President, what we are dealing with in this issue is the philosophy of Caymanian birth right. As leaders and especially as law makers, we have a duty first to see that the national good is foremost.

I have said Sir, that I have no personal case to advance but I am duty bound to seek to protect and advance to the best of my ability, the best interest of the Caymanian people both with regard to present and future generations.

That brings me to the question that is now posed by our opposition. These people are asking why the rush to limit Caymanian Status? They say let us have more time. Well Mr. President, let me explain to this Honourable House and to the general public the reason for tabling this resolution today. I believe those same candidates who are questioning this resolution today will change their course as they have changed their stand on so many issues since they began have been elected as representatives.

The reason Mr. President for this resolution today is because, (1) I knew that I would get opposition I am now getting, no matter what time I brought it; (2) I knew the type of people that would be offering themselves as candidates, at least I knew some; (3) This being an election year, this is the last meeting of this Honourable House and the heat would be on; and (4) the people of these Islands would be better positioned to see who is for or against the motion. As it were Mr. President, to separate the wheat from the shaft.

In other words, between now and November 16th the spotlight would be on every candidate including all incumbents from this Honourable House. There would be no time for any person to walk around this country and say to the foreigner that the Government was against them, and then go the Caymanian and say the Government is not for Caymanians. This has been the tactic of the opposition all along. Today however, the time of testing has come. Let all men and women stand tall with us and say the position that they are now taking on this resolution is correct. Now is the best time Mr. President. In this there can be no sometimes yes, and sometimes no. There is only the middle ground. Let us see who is Caymanian or who has other interests.

It was Sir Walter Scott who put the words most appropriately to fit this occasion, "breathe there a man with soul so dead who never to himself has said this is my own my native land". Let us see today how many dead souls there are.

We are not discussing foreign investment; not whether the Government is against Jamaicans and Hondurians; we are not discussing whether the Government is against the English and Americans or whether the Government is for all of them put together. We are discussing Caymanian birth right and the Caymanian survival. We are discussing whether Caymanians must control their own destiny, or whether our destiny must be control by outside interest and outside factions. This is what it is all about.

I seek to address several matters in this resolution Mr. President, (1) defining who is Caymanian; (2) doing away with Caymanian Status except for children, grandchildren and spouses; and (3) the creation of another form of security of tenure for non-Caymanians.

Mr. President, the term "Caymanian" is now nowhere to be found in the British Nationality Act of 1981. As far as the British Nationality Act is concerned, the word "Caymanian" is an inanity. For all intents and purposes the British Nationality Act speaks of British Dependent Territories Citizen, and says nothing about the Caymanian.

The British have placed us in the same category as the rest of their remaining colonies as far as immigration matters are concerned. Whereas before, according to Britain, our national status was a British subject, citizen of the United Kingdom and Colonies. Today it is British

Dependent Territories Citizen.

The British passed that Law in 1981 for their own purposes. Mr. President I want to quote from the Hansard from the House of Commons on the Second Reading debate by the Secretary of State for the Home Office Mr. William Whitelaw, who in moving the Bill said:

"The main reason why it is necessary to replace the existing Law is quite simply that the citizenship created by the British Nationality Act 1948 no longer gives any clear indication of who has the right to enter the United Kingdom. Citizenship on the right of abode which ought to be related have over the years parted company with each other. One can be a citizen of the United Kingdom and Colonies and not have the right of abode in the United Kingdom. Conversely one can have the right of abode here without being one of our citizens."

The Labour Government in their Green Paper said almost exactly the same thing. Paragraph 10 of that document says:

"The most serious draw back to the status of citizen of the United Kingdom and Colonies is that it does not provide a ready definition of who has the right of entry to the United Kingdom. In consequence, holders of the present citizenship may unnaturally be encouraged to believe despite the Immigration Laws to the contrary, that they have a right of entry to the United Kingdom.

We are doing nothing new in suggesting that our citizenship should give a better idea of where people actually belong. I would go on to quote another Conservative M.P. speaking on the Bill said:

"The basis upon which the Bill is founded is none the less sound that the citizens of the United Kingdom should have a citizenship of their own. Other countries define those who have the right to claim citizenship. So it should be with us, we are right to do it albeit belatedly. Would that we had drafted even more tightly the right to belong. Would that we could treat everyone else as aliens including those from the republic of Eire and the other E.E.C. countries. Would that we had legislated against dual nationality as far as we were able to do."

Mr. President that was the British Secretary of State for the Home Department and another Conservative MP Mr. Proctor.

If people think that we are being extreme they should read from the Hansard of the Commons and read what Mr. Enock Powell had to say about it. We are not that extreme Mr. President, and we are not going to ever be that extreme.

It is quite clear that the view of the British when they sought the passage of the British Nationality Act in 1981 was to make it quite clear where all foreigners stood. The British were taking care of themselves, they were taking care of the indigenous British.

Mr. President in defining what is Caymanian we must be most careful not to get it mixed up with anything else. I trust that that will be expressed in the forthcoming legislation. A Caymanian, can only be a person who is born here of Caymanian parents or born elsewhere of Caymanian parents. That would be a son or daughter who is born in another country of a person born in these Islands. That would take us back to grandparents, and that is far as we want to go to make anyone a Caymanian. They must a connection, an ancestral connection going back to grandfather.

I believe Mr. President we should go back to grandparents because years ago many Caymanians went to such places as the United States, Honduras, Nicaragua, just to name a few, and made their homes and made a living for their families.

In the Caymanian Protection Law of 1984, a restriction was placed on eligibility as far as Caymanian status is concerned on, for instance, those living in the Central American countries. While these people have an ancestral connection with these Islands, the same Law gave eligibility to Commonwealth countries. Some of whom we do not even know, and the United States citizen with whom we have no connection, no ancestral connection. That was not fair and that position hopefully too would be rectified.

Mr. President, I go on to part two of the Resolve Section. Part two says: "Provide another form of residential status to assure security of tenure for non-Caymanians."

I believe we have reached a time in our history when we need to do away with the granting of Caymanian Status with all its grand privileges. Do away with it to persons other than children, grandchildren, and spouses of born Caymanians.

Status as we know can be had by staying in these Islands for seven years or marrying a Caymanian and living here with them for at least five years. These time frames must be changed and qualifications placed on those categories. The situation of Caymanian status over the past couple of years has been a sore point among Caymanians and others living in this country.

There are foreigners who have lived here for years, 8 - 15 years and over, who came here to work and make a home. I find it hard to say go, when at least some of them have made a contribution. Today they are very unsure of their position in this country, and I believe that that situation has to be dealt with in a fair and equitable manner. Bearing in mind that particular situation the wishes of the Caymanian people who by the way are still the majority here, must be carried and their wish is to stop the granting of status with all its privileges. That is my reading of the Caymanian public.

However, Mr. President we are bound still by principle to organize another form of security for people in the category of eight, fifteen or eighteen years, and that is what I seek to do. People who came here in 1971, 1970, will have to be looked at more favourably.

Mr. President, I know there are many sound honest law abiding people who have come to this country and set up their home and raised a family and are having a difficult time today simply because of this Caymanian Status thing. I know too that there are people who were granted Caymanian Status long time before the 1984 General Elections who received Caymanian status because of friendship. People who did not even reside in this country and who do not still live in this country. Mr. President, they cannot play with Caymanian birth right.

Someone said that we are creating hard feelings in this resolution. I ask the question why should it create hard feelings? If it does, well, too bad. I am not one bit moved. Citizens of other countries who are now living here should not take exception to the wishes of born Caymanians. So let no one be so selfish as to say we in this House are doing wrong if this resolution is passed. In my view it ought not to be left alone to explode, that is the situation.

We as a Government are charged with the responsibility of the governing of these Islands and should respect the wishes of the majority of the people that elect us. To represents our citizens or to protect future generations is no new principle of Law that has been evolved since the 1984 General Elections. It is the principle that has followed throughout the Commonwealth including Great Britain as the House have heard me read from the Hansard. I am not scared nor is my heart touched by the whining of those I know who would control us and keep us under foot. And Mr. President, you can believe that

there are many wolves in sheep's clothing.

Mr. President, I have set out what I hope to achieve which is, that citizenship would be given to spouses, children and grandchildren but that something other than citizenship, maybe permanent residence, would be provided for people staying among us. Right now Caymanian Status as I said, is a grand privilege which cannot be granted infinite.

I would hope to see put in place a system where people who have lived here continuously for the past twelve years will be eligible for this permanent residence with a right to work and live in these Islands with a work permit which also would have its qualifications. That work permit would provide that the person would only work in their profession or the job the permit was issued for. It should not be that a person would come here on a work permit for a bartender and end up in an office, in a white collar job as secretary let us say, or an hotel manager.

Mr. President, any person in my opinion wishing to come and stay among us, the Government of the day should take a conscious decision on the application. Of course entry could be refused on grounds of, for example, national security. Any matter being subject to consideration of national security and public policy let us say, would be the Government's way of saying that the Government of the day would have the final say in the matter and no court could over turn its decision.

This I believe is in tone with the general accepted practice in other Commonwealth countries also. Under certain circumstances, permanent residence would be lost and thus the work permit would cease to exist. These circumstances would include but not limited to, among other things, interference in marriages, interference in politics, discrimination towards born Caymanians and workers of crime. These sort of atrocities committed against our society would result in cancellation of work permits and permanent residence.

Mr. President, you look at those areas that I mentioned, for example, interference in marriages. As a legislator and as a representative, I have had too many cases pounding down my door about people whether it is a he or she whichever way it is, who is causing problems in a home in this country. I have known good decent Caymanian boys who married a foreign woman. After the wife gets her status she leaves him and as we know, before the 1984 Law, they got it on application. Since 1984 I have had numerous cases where the spouses who receive status have left them and have been doing everything in the world to frustrate their lives. You can believe it is not a good situation when you sit down and look at it and some people are not as strong as others.

I know of one case where a young man had a mental problem afterwards. The case must have gone to court several times, maybe some of the Members here have been acquainted with that case and I say when we find a foreigner amongst us who is going to interfere in marriages to that extent we must kick them with all two shoes! And not in but out.

Interference in politics: if you think that that is not a big problem today walk around the country and hear who is paying for whose campaign. There is nothing wrong with somebody donating to your campaign, that is all good and well if they want to see a good Government they give towards the expenses. That is fine, that is above board. But when they go to the extent of writing speeches and when they can brag on the streets that when our Government get elected people like McKeeva Bush is not going to have his say in the House.

Like Merle Haggard has said, "They are walking on the fighting side of me now". That is a serious thing in this country. When we have foreigners here who are willing to go to that extent he must be booted out. We welcome them but they must stay out of our local affairs, stay out of the house, out of the home, and stay out of this House.

Mr. President, when we look at discrimination towards born Caymanians it is a pitiful plight but I am not going to elaborate on it because there is another resolution before the House that I have tabled which will be dealing with that type of situation.

Workers of crime: Mr. President, we have so many of them and as I have said, there are so many wolves in sheep's clothing. Even if they have been here 15 years and they are found to be pushing coke in destruction of our young children, they must get up, they must leave and if they happen to steal from a local company they must be kicked out also, there must be nothing like friendship. If they commit a crime, they leave the country. That is in tone with other Commonwealth countries.

Mr. President, I believe that I am on a high note so I do not want to carry on with that matter because I could get pretty hot here this afternoon dealing with these workers of crime, those people who interfere in marriages, and those people who interfere in politics. Of course persons with permanent residence who leave these islands to take up residence in a foreign country would also lose their certificate of permanent residence. There are too many people quite willing to use us.

Mr. President, they say it is not good to call names in this House, but when we have people like Mr. Garth Davis who was granted status and who does not live in this country, there is no reason in the world why the Immigration Department, the Caymanian Protection Board or the Executive Council should allow it to happen, no matter who he is friends with. Citizenship I believe, should only be granted to spouses of Caymanians after ten years of marriage. This length of period is to help stop marriages of convenience and that person would also have to renounce whatever other citizenship he or she has.

Divorce: I believe this would also result in the automatic cancellation of citizenship. Separation would bring about the same effect. As I said, there are too many people wishing to use us, and they use that avenue, the avenue of marriage, to get to this country for one means or the other.

For a few minutes I would deal with those situations and I mentioned marriages of convenience, divorce and separation. We all understand what marriages of conveniences are. It will be difficult I believe to write it down in Law, but I am quite certain we all understand what it is.

A Motion we moved here some months back dealt with marriages of convenience. Although some members of the public thought I was wrong, and I have to wonder whether these people understand the fundamental principles involved, it is a matter, in my opinion, of what is morally right and lawful. There have been cases where Caymanian boys who you would say are of lesser intelligence who have been paid to marry non-Caymanians and they never lived together for even one hour after the ceremony. Today that spouse is the holder of Caymanian Status.

I do not believe that he kissed her before the kiss that is allowed in the ceremony, and I do not believe that he kissed her either. That might sound funny but think about it, think what is happening, think of the kind of social problems that they are creating. I just had one case Mr. President, which happened just last week in my constituency where the wife of one of these boys tried to run him over with her car. She has come here, she has Caymanian status because she was married before 1984, she works, and now she wants to get rid of him.

MR. PRESIDENT:
judice.

I hope this is not a case that is under a charge or sub

MR. W. McKEEVA BUSH:

Well Mr. President, I considered that too before I spoke, but I doubt that it is because the people came to me to go to the police station and I do not know whether it is under investigation or whether it is before the court so I decided I would say it.

MR. PRESIDENT:

I think that means you are pleading ignorance, am I right?

MR. W. McKEEVA BUSH:

Ignorance in that matter yes.

Mr. President, well if that same woman had gotten married after 1984 then she would not have received Caymanian Status automatically. Today what they can get is a work permit.

Another matter that I would bring to the attention of this House that some of them are getting married, a certain ethnic minority. They are getting married to the Caymanians in order that they can get a visa to enter the United States and after they get their visas they are really no problem to us. Still that marriage is on the books and it is wrong to use our country and our Laws in that fashion, I know where it has happened.

MR. PRESIDENT:

Is that a convenient moment to break?

MR. W. McKEEVA BUSH:

Yes Sir.

MR. PRESIDENT:

Proceedings are suspended then until 2:15 P.M.

AT 12:45 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:17 P.M.

MR. PRESIDENT:

Proceedings are resumed.

The debate on Private Member's Motion No. 8 of 1988.

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President when we took the lunch adjournment I was speaking on the problem of marriages of convenience. We know that the Caymanian Protection Board has taken cognizance of these marriages of convenience. The difficulty comes in and the Board finds it pretty hard to act when a supposedly upright citizen goes to the Board or to Immigration Department and verifying that the said marriage is above board and all is well. That kind of action probably results in the permit being granted.

I know of cases however, where the Board did not grant permits even with such types of verification. But I believe that the Caymanian Protection Board after making well rounded investigation and satisfying themselves that the marriage is definitely a case of convenience will refuse the work permit. In any forthcoming legislation that aspect of the matter would have to be carried on, and to strengthen that area in the Law there would be the 10 year requirement to live together and the cancellation of the work permit if separation occurs and the depriving of both if a divorce occurs.

We all know the situation exists at the moment that if divorce comes about the foreign spouse could marry another foreigner and somewhere down the line pass on their acquired citizenship. We cannot allow this to continue, we are too small.

I know the question also is posed, what happens to the children born here of non-Caymanian parents? Well I believe he could be treated like the others as far as permanent residence is concerned. But I will pose this question to the House and to the public. Should we begin in a situation where that child happens to be born here, while his parents were on a work permit and became somehow entitled to citizenship after he reaches the age of 18 years? In the mean time his parents have moved away and he with them. Years later he grew up and he hears of a big boom in these islands, he turns up and says, "Look here Caymanians, I am ready now to be a Caymanian."

In a country of this size, exposed as we are all around that does not make sense and we cannot afford it. It is not citizenship that ought not to be afforded to children of non-Caymanians, this is not what I am saying. This is not the point either. The point is, they need to show identification with these islands.

On the other hand, if the parents continue to live here, the child went to school, grew up with Caymanians and for all intents and purposes thought and acted like them, then obviously that child has the knowledge of what the Cayman Islands are all about, has an appreciation for things Caymanian, and knows what being a Caymanian is. But the circumstances would apply, whether he went away, whether he stayed here, went to school here, has his friends here, everything like that, as far as I am concerned, would be the determining factor.

Otherwise 20 years from now we can face the same fate as other small countries have. Two generations hence our population will be split in two and a great social unrest is the result. We are being fair. We cannot allow that sort of thing to happen and we must make provision for it now.

It is a trust that we have from the Caymanian people. They gave it to us and as long as we have that trust we must exercise that trust having full regard to the security of the future generation of this country and what we regard to be the in country's best interest in the situation existing now.

Mr. President, some people would like us to have an open-door policy where all and sundry would walk in. As it were open the flood gates. They say, our opposition says that numbers and variety have made America great, have made other countries great. I am not saying they are wrong and as far as what makes America great, but examining our situation where we have a small amount of land mass and limited resources I cannot agree that numbers will enhance our position.

We must take everything into consideration, social balance, land mass and education and the best jobs. These are the things we must take into consideration as far as the population is concerned.

When I speak of education I am saying that we have a lot of foreign students, a lot of foreign teachers. What happens? The old adage would apply, each to his own. Nobody can make me believe otherwise. When it comes to best jobs the same principle would apply. Each would take care of his own and Caymanians would lose out. Mr. President that is why I am seeking to address that matter in the resolution dealing with the apprenticeship system.

Mr. President, as far as I am concerned that resolution is a companion resolution to this resolution before the House at the time.

The other thing we would take into consideration is the business aspects in this country. We know what the position is and I have stood here at this chair on many occasions and have dealt with it. That is that these people who come here, they get Caymanian status and immediately they go into business and is in competition with local interest.

Mr. President, I have had it happen to me and I have said that competition is good. But there is an unfairness in that type of situation because that person have resources that McKeeva Bush - and I am only using my name as an example - will not ever have. They have friends high places, they have the connections and while some of our own business people are not the best, they are still Caymanians and we have to live with them. Let us put it that way.

Mr. President, the 60/40 situation is something that is

serious in this country but that particular situation did not emanate from what you would call 'the small Caymanians', that emanated from some of the big merchants in this country. They are the ones who started it and some of them have got built up off that 60/40 position. Some of them today are the same ones that are saying they are supporting certain candidates in order that people like McKeeva Bush do not sit back in his seat.

There are many aspect of that 60/40 position. Caymanians had better watch out because one of these days they are going to find themselves holding the bag. That could be the subject of a very long debate and I will not get into it. Hopefully other Members more acquainted with it will raise it in their debate, maybe the Second Elected Member for Bodden Town.

If we the indigenous Caymanians are not kept in the majority, we and our children would lose it all. That is what I am trying to say. For it is well known each nationality sticks with its own. It is a fact. It is a well known fact also that home is where the heart is. I do not for one minute believe that any true-blooded man can forget the country of his birth, and would not first place allegiance to that country and to his fellow country man. It is an observation that I believe is hard to counter. It was Rupert Brook who said: 'If I should die think only this of me, that there is some corner of a foreign field that is forever England' and Robert Browning 'Oh to be in England, now that April is there', and W.E. Henly wrote 'What have I done for you England my England, what is there that I would not do England my own?'. And why not Mr. President? They were all English. The black forest, the blue mountains, the white cliffs of Dover, West Minister Abbey, the prayers of the Midwest, they are all enchanting and magical things to those who dwell within the hills of home. And perhaps it is because man when he shuffle off his mortal coil goes back to the soil that in some strange sense he comes from and is tied to that particular kind of soil all the days of his life. You cannot change him, you cannot change his birth.

A person can live in a country all the days of his life and enjoy every moment of it, but it would not make him an English man. It would not make him an American. It would not make him a Jamaican. It would not make him an Indian or what have you. Only the accident of birth will determine whether you are one of those I named. We know that circumstances alter cases but nothing can alter the fact of one's birth place.

These Islands Mr. President is a country with unique appeal and an unusually attractive life style, tremendous economic potentials, a stable political scene, a very high standard of living; probably the greatest climate in the world and no income tax to boot. So they would want to come here, but when one announces allegiance to some foreign land and acquire Caymanian citizenship the only difference between the before and the after is a piece of paper. That piece of paper will never make a worthwhile citizen out of one who never was. What is written on it cannot convert him into a Caymanian. We must always remember too - and this is important for Members to bear in mind - that the services this country needs today hopefully will no longer needed in ten years from today.

Those who are not Caymanians and who today are providing those services need to be recognized with special respect as those who gave a service which may today be quite invaluable. We recognized that, but it is by no means necessary to sell to them a part of this country's birthright in order to guarantee them security until the time comes when they may want to and will pack up and leave for their own particular hills of home.

It is not necessary I say because there are too many who are anxious to come and be here on far less demanding terms. Why would a man from lets say India be expected to complete his planned orderly departure from this world to the next in a land and amongst the people to whom he does not really and cannot be truly an integral part of?

It is well and good to pass a decade or two where living is undoubtedly easier, where the sun is sunnier and where summer time is all the time. But let us face the facts. Towards the end of the day when the tools have been put down for the last time and when it is time for reckoning just before the biggest chapter of them all is written, then it is that Indian I spoke of who goes back to the hills which he always knew to be his only really true birth-right. We cannot acquire a real home with the medium of a piece of paper. One cannot acquire understanding simply through long term association, or as one cannot buy true love nor can one sell it, it is almost as difficult Mr. President to sell and buy genuine citizenship.

We today are dealing with Caymanian birth-right. This is our home where the bones of our ancestors rest. Mine came from diverse corners of the earth, one came on the slave ship and the other of Scottish decent. I am proud of that. We however are not dealing with some vague principle of Law. Rather we are dealing with our survival, Caymanian birth-right. As for me it will always be land of my birth, I pledge to thee loyal and faithful, true to be.

Mr. President, the Motion I believe is worthwhile and while our opposition is saying why are we doing it now and that we are only doing it for votes. As I put it before, now is the time. Today is the time that we separate the wheat from the shaft.

The resolution I hope, will receive favourable passage in the House and I trust that the forthcoming legislation will reflect all those things that I spoke about. I trust that our opposition will come together and say, "come let us be reasonable".

MR. PRESIDENT:
Member has made his case without further ado.

Does any other Member wish to speak? Seems the

MR. W. McKEEVA BUSH:
shaft.

Mr. President we need to separate the wheat from the

MR. PRESIDENT:

The Second Elected Member for George Town.

MR. LINFORD PIERSON:

Firstly, I wish to congratulate the Mover of this Motion for a very fine presentation and for the obvious hard work that he had done from the detailed research and presentation which he has put forward here today. While I do not necessarily agree with every point made by the Mover of this Motion, I nonetheless support the Motion as it is here before us. I would like again to read the details of this Motion which, as I said, does not necessarily coincide with everything that the Member has added in his debate. It states:

"WHEREAS the Cayman Islands are a small country with a small population of indigenous people;

AND WHEREAS by recent findings it is known that in a few years indigenous Caymanians will be out numbered;

BE IT RESOLVED that consideration should be given to revising the Caymanian Protection Law, 1984, in order to limit the acquisition of Caymanian Status while defining the word 'Caymanian' and further provide another form of residential status to assure security of tenure for non-Caymanians."

Mr. President I would just like to point out that the Motion that I am supporting states to 'limit the acquisition of Caymanian Status'. It does not say anything about

stopping it fully or doing away with it. I am supporting a Motion that states 'to limit'.

But before dealing with this Motion, I am reminded of a quotation from one wise writer who said, "the gift of speech has been given to man much more to conceal than to reveal our thoughts. He who knows how to speak knows also when to be silent".

Perhaps I should try to fall into the latter category today and leave this subject alone as it is such a very sensitive matter. But I would not be doing justice to this country and to my constituency if I kept quiet on this very important subject.

Perhaps, from a political point of view, there are candidates or Members of this House that will make political mileage of this but I believe that our people will be listening very keenly to any contributions made on this matter and will expect to have very level-headed contributions put forward.

there was just one point raised by the Member that I would wish to comment on and that was the very bad influence that some of the expatriates are having on this country with regards to the way they have been influencing some of the candidates and the political position in this country.

While this is a free country and it is indeed a democracy, I feel that many of our people are being used for the purposes of these individuals. I know that most of the Caymanians realize this and I hope that candidates, even in this upcoming election, will try to find out the true motive of some of these people that are very anxious and willing to hand out money, so that they can try and put in a candidate whom they feel that they may be able to manipulate.

While I have no problem, as I said, in supporting this Motion in its present form, and I say in its present form, because I have seen another version before. I none-the-less still feel that the whole Law should be the subject of a thorough revision rather than amended in a piece-meal fashion however important we may feel this amendment is. This is not at all to criticize the efforts being made by the two Members, the Mover and Seconder of this Motion. As I said, I think it is timely but I also feel that we need to deal with this much more comprehensively.

The views that I will express today are views that I have made in this House before. I have recently passed these views to other individuals who are aware of my position and I will not be differing from this position today. I will be very consistent with my views on this.

The George Town constituency is perhaps the most affected by this Motion because we have a number of people and we are a very cosmopolitan place. A lot of my supporters are individuals who could be effected. I believe that if this is properly presented which this is, this Motion is a reasonable Motion and that those individuals will see the merits of this Motion. They will note that the Caymanians must also protect themselves. I would not subscribe to the type of protection that was alluded to by the Mover of the Motion - the protection asked for by Mr. Enock Powell. I am sure that in his research he found out that there were certain measures made in the UK that were even more damaging than what we have before us today. I do not consider that this Motion is at all damaging.

Mr. President if the Member would like to speak.

MR. W. McKEEVA BUSH:

Yes Mr. President on a point of clarification. I believe I made it absolutely clear in mentioning Mr. Enock Powell of the House of Commons, that we were not taking the same route, we have never advocated such a policy and we would never ever advocate such a policy. That is why I would not attempt to read some of what Mr. Powell had to say from the Hansard of the Commons. Just to put it absolutely clear.

MR. LINFORD PIERSON:

Thank you Mr. President.

I will continue. Mr. President, the preamble to the Motion recognizes the problems we Caymanians could face if we do not seek to limit the acquisition of Caymanian Status. The Second Elected Member for West Bay clarified a point but he only said in other words what I had just said. I am sure on reflection he will realize that.

However, the extent to which this is limited cannot be treated lightly or glossed over. It is a very delicate and important issue. If we are going to make changes we have to come up with solid and sound recommendations. We will also need to give a lot of consideration in deciding on the form of residential status to assure security of tenure for non-Caymanians.

Mr. President, one cannot intelligently debate this motion without taking into account all aspects of this problem. We need to analyze the causes and the effects of the problem. The preamble to this Motion highlights the effects and the resolution attempts to find a solution.

In order to effectively deal with this problem we need also to examine the matters that caused the problem in the first place. To do this we must not only examine the question of status and an alternative to status but ask the question, Why are so many people desirous of having Caymanian status? Would these same individuals be just as happy with another form of residential status if it provided security of tenure? Is the desire for Caymanians Status then, in most cases, sought as a substitute for another form of security of tenure? What is the main desire of most of the status-seekers? Is it for Constitutional privileges that may accrue such as voting etcetera in our general elections or the ability to be able to work without the problems or bother of each year trying to obtain a work permit? It is the cause and effect and in order for us to intelligently deal with this Motion we cannot only deal with the question of status.

Why is it that so many people are seeking Caymanian Status? We would not be naive enough to believe that everybody that apply in the papers for Caymanians Status do it because they want to vote in our general elections. That is not the problem. It is because that they are having a major problem at the Caymanian Protection Board with work permits. This is 80 per cent of the cause.

Mr. President, once these questions are answered we can deal with this problem in a more comprehensive manner. In basic terms it is my view that the problem of a proliferation or a request for Caymanian status stems from the inadequate and unrealistic system now used in granting work permits. The problem is therefore mutually inclusive. Before we can effectively deal with the problem of Status we will need to address all the other areas of the Law. A complete revision of the Caymanian Protection Law is therefore needed.

I have given quite a lot of thought to this subject. As I said, it is not one that can be treated lightly. You are dealing with human beings. You are dealing with human lives. You are dealing with the future of people, and this is why I took some time to prepare the script that I will be reading from today. And as I said, I have before dealt with another individual on this particular matter and that person will know when they hear this.

My position on the Law should be well known to not only this House but to the people of the Cayman Islands as I have, on many occasions in this Assembly, expressed my strong views on areas of the Law which I regard to be inequitable to the people of the Cayman Islands.

I have also publicly stated that some of the directives sent from the Executive Council to the Caymanians Protection Board, the CPB as I will refer to it later, are unrealistic in respect to our socioeconomic and geographic situations.

There is presently a lack of direction and policy on the vexed question of immigration. These are my views and they are not necessarily shared even by some of my

closest colleagues, but this is the way I personally feel about this subject.

And I am going to touch on another area. Had the 1976 - 1984 Administration - and I know one Member in particular is going to cry out politics - Instituted and implemented effective Immigration guidelines for the future of these Islands we would not today be experiencing these problems.

With the Cayman Islands presently a net gainer of high quality business from the Bahamas, Panama and else where and in the light of the current trend to staff offshore operation there is considerable pressure on the Caymanian Protection Board to grant Gainful Occupation Licences in the offshore financial sector particularly for bankers and trust company personnel.

As I mentioned earlier, I am dealing with this because it is a relevant background to the whole problem of Caymanian Status. This trend however has a result and effected on a cross-section of our business community. Because of the absence of clear directions and policies we are experiencing undue delays from the Caymanian Protection Board. Another reasons for the delays is that a number of administrative matters dealt with by the Caymanian Protection Board could and should be handled by a section of the Immigration Department.

This section could be established possibly and appropriately from within the present staff so that it would not cost this Government anymore money. These individuals could deal with routine day-to-day administrative matters.

Mr. President there are basically two clear concerns which must be reconciled. First and most important is the view among Caymanians, which I share, that uncontrolled admission of non-Caymanians into this country will result in Caymanians being out numbered and thus placing us in danger of losing control of our own country.

There was a headline in today's paper which read: 'Immigration Outpaces Projections', but Mr. President I am not going to deal with this in detail because I think that the answers are readily available. One can see from the pace of our development and from the growth of our economy that this situation would occur. We cannot have our cake and eat it, and it is difficult for the Five-Year Economic Plan to tell you exactly what the situation is going to be in five years times.

If the Five-Year Economic Plan was so correct then it would not have differed so substantially with the Master Ground Transportation Plan which projected a much higher figure. Mr. President, the reason why we are having this growth even from the Immigration point of view is because of the economic growth this country has been experiencing. So let us not add or try to take away from this, this is the basic reason. We cannot have our cake and eat it.

On the question of Caymanians becoming out numbered, this is a major concern to Caymanians. There is no question about that. The validity of this concern cannot be under-estimated and should, in view of similar situations developing in other countries such as the Fiji Islands and others, be fully appreciated not only by Caymanians but by all our non-Caymanians friends living and working in the Cayman Islands.

Any policy adopted for the future must deal properly with this matter. We cannot deal with this in a piece meal fashion. We must deal comprehensively and properly with this matter and offer the necessary reassurance against the eventuality happening in the Cayman Islands.

New amendment to the Law should be with the view to limiting the acquisition of Caymanian Status but must provide another acceptable form of residential status to assure security of tenure for non-Caymanians.

We do not want to have the policy of the Bahamas and some other countries that decided once they were in a position that they felt they could do things on their own, they kicked out all the people that were in the country. We do not want to follow that route Mr. President. This Motion is not asking for that but we have to be very careful that we do not get off on the wrong tangent.

Any changes to existing privileges under the Law must be properly considered and therefore replaced by an equitable system. There are a number of viable alternatives that could and should be given urgent consideration.

As I said, the first concern of Caymanians, as I see it, was the concern of being out-numbered. The second concern Sir, as I see it, is the need for Caymanian businesses to employ non-Caymanian workers because of our full employment situation.

We are not employing these people because we just want to employ non-Caymanians. We have a full employment situation. If we want to continue our development and economic growth, then we have to get people from somewhere. But we have to be very careful that in doing so we have a balanced situation. This is why I feel that recent directives made by Executive Council addresses this problem.

Mr. President, our full employment situation is nothing for us to feel ashamed of. This results from our buoyant and expanding economy. I saw a write up recently in the Caymanian Compass which said we were the wealthiest islands in the Caribbean. But Mr. President, this did not come by chance this came by sound fiscal planning.

The Fourth Elected Member of Council I would say was the person responsible for the foundation work on this. I know, Mr. President, I have in the past in this House locked horns with every Member of that Council perhaps with the exception of the Second Elected Member. But I know that on a whole they have done an excellent job. Oh, there is lot to be done. Much more to be done and they will be criticize for it. I will be the first to do it.

But when we look around and we examine past performance, others in there did not do any better. So we will be dealing with this more thoroughly in the up coming weeks leading to November 16th. People will have no doubt at all what my four years in the House was all about and what I accomplished. I will let them know. As a Backbencher sometimes it is very difficult to get things done when you depend on some of the Government departments. That is something that is a vexed question with me right now. You ask for things to be done and you never get them done and then the politician is blamed for not doing things.

As I said Mr. President, the second major concern is about work permits. Some are quick to say that in view of our present full employment situation that we should bring a halt to developments taking place in this country. I feel that such a narrow-minded approach in dealing with this situation would be a mistake. Once development and good investors are driven away from our islands they may never return.

Also Mr. President, with our two tier economy comprising the tourism and financial industries we have to consider the future of our almost 400 school leavers each year. Where will they find employment? In our rapidly developing financial community, it is not reasonable to suppose that we can produce in the short term the required number of lawyers, accountants, bankers and others locally with the necessary expertise to ensure the proper expansion and development within the industries?

These are question that need to be addressed. The causes of the problem that we are dealing with today.

The effect is people are asking for Status for security of tenure. What is the reason for that, what is causing that? I believe Sir, that the key to the successful long term development of our economy is carefully planned integration of Caymanians where possible with non-Caymanians, especially at a professional level and this should be done bearing in mind that Caymanians should be given the first rights of refusal.

Mr. President, the economic opportunities available to Caymanians should not be ceased. With the off shore industry in Panama in a decline and that of the Bahamas likely to follow, it is of critical importance that the Cayman Islands present itself as a viable alternative and is able to provide the necessary services across the Board promptly and efficiently to service the major influx of business which will result.

We cannot afford to become complacent. For example, comparative incorporation figures for the first half of this year as between the Cayman Islands and the British Virgin Islands give cause for concern. The Cayman Islands are non-competitive with the British Virgin Islands in terms of price we must increase quality of service and volume.

However more flexibility is required within the Law and by the Caymanian Protection Board in order for us to maintain our current financial standing.

Mr. President, I feel that there are two distinct points that we as Caymanians should also bear in mind. In terms of the ultimate control of the Cayman Islands, the first is the right to vote and political representation in this House, the second is that Caymanians should have first claim on economic opportunity.

A recent amendment made to the Constitution and the Elections Law afford substantial protection to Caymanians in this connection. The Elections Law has not yet been passed Mr. President, but the Bill is now before this House. As we know from the Hansard, the Constitution Amendment came as a result of a Motion brought by the First Elected Member of Council and Seconded by myself. So this is not something new. This Motion has been in the minds of a number of people for a long time and a major step has already been made in this direction in protecting Caymanians. This is not to try and take away anything from the Motion because it is a very good Motion as I said, but the public needs to know that a step has already been taken to protect Caymanians.

The great fear of the Caymanian Protection Board seems to be on the question of non-Caymanians obtaining Caymanian Status. However Mr. President, there are no specific provisions of the Law which obligates the Caymanian Protection Board to grant status. Individual applications must satisfy a range of criteria in order to qualify.

The decision to grant Caymanian status rests solely with the Board. As I alluded to earlier, I have discovered in my discussions with non-Caymanians of all nationalities, I am not talking about Jamaicans or Hondurians or whatever I am talking about a cross-section of non-Caymanians and they have told me that their greatest desire is to be given the opportunity to work, their greatest desire is not to obtain Caymanian status, it is to be able to live and work in the Cayman Islands. In many cases therefore Caymanian Status is applied for merely to ensure those individuals the security of tenure which would not otherwise be available to them.

Perhaps Mr. President, we should now be considering an alternative such as permanent residence with the right to work or a green card type system which would expressly state that the recipient would not be allowed the rights of voting or sitting on the House etcetera which would be available to Caymanians.

I wish to make the point abundantly clear that if longevity of employment is not provided to the professionals and technically skilled individuals required to work in the Cayman Islands, the net result is that only second rate employees will consider the Cayman Islands. The present six months and one year non-renewable work permit system is therefore most cumbersome and unrealistic. It is not working. We need something more realistic. What can you get somebody to do in a year? If it is an important position whether it is as a skilled carpenter or somebody in some other profession, it takes that individual six months to a year to fully understand the business and to get to know the clients of the business. This is not working Sir. We need to give some more thought to this.

Mr. President, since the Constitutional threat in terms of long term control of this country has been addressed by the amendment to the Constitution and Election Laws referred to earlier, the other main threat would seem to be as I mentioned, on the socioeconomic level.

Permanent residence with the right to work would therefore be limited to fulfilling that employment or function for which the non-Caymanian is brought to the island. Notwithstanding that the residence might be permanent, it would be coupled with a Gainful Occupation Licence and not status.

Arising from this two further current concerns would be avoided in this respect. One is that the non-Caymanians obtaining status who would then be branching out into other fields thus proving an economic threat to Caymanians. This is a problem with status. This is occurring in local development, tourism relatives activities, you name it.

These people that are getting status are taking away economic opportunities from our people. Permanent residence with the right to work would avoid this because the individual would have to work for the business called for in his work permit.

Another concern that would be avoided Mr. President, is the right of the wife and children of the non-Caymanians referred to earlier. This Mr. President, represents a materially long threat to the Caymanians in terms of control of the local economy.

Mr. President there are a number of us that have felt that pinch. We find ourselves up against people that have obtained Status and it is difficult for us to even make a living in our own country because of the connections that they have overseas and for other considerations.

MR. PRESIDENT: Is that a convenient moment to break?

MR. LINFORD PIERSON: Yes. Thank you Mr. President.

MR. PRESIDENT: Proceedings are suspended for 15 minutes.

AT 3:17 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:35 P.M.

MR. PRESIDENT: Proceedings of the House are resumed.
The Second Elected Member for George Town was speaking.

MR. LINFORD PIERSON: Mr. President, at the break I had said that since the Constitutional threat in terms of long term control has been addressed by the amendment to the Constitution and Elections Law the other main threat would seem to be on the socioeconomic level. I had pointed out the current concerns that could be avoided if permanent residence with the right to work was instituted. Simply put Mr. President, the Cayman Islands should obtain the best professional assistance and other labour needed in order to provide efficient service within our economy but none of that must be allowed to affect the long term conditions of Caymanians.

Mr. President, as emotional an issue as this is we must

realize that to the Caymanians it is a matter of survival. Each Caymanian must make up his own mind, or each Member of this House to be more specific; must make up his own mind as to how we will individually deal with this subject before us with this Motion.

We are no longer living in a world of Victorian emotionalism when what was good enough for father was good enough for son without question. Today what was good enough for father is immediately suspected until proved justified. We are dealing with reasoning minds which ask to see the reason and to know why. A society must measure up to these requirements.

Mr. President, I would not conclude that Caymanian Status should be fully abolished. Rather it should be retained as a form of special honour in addition to being granted to individuals with close Caymanian connections as described by the Mover of the Motion. There may be non-Caymanians who have been granted permanent residence and who have established some 20 years or more residency with clear benefits to the community who should be thus rewarded, but the number of grants of Status should be substantially reduced. Perhaps one or two every year under this special honour system.

As stated earlier, in my opinion Sir, the current concern of my fellow Caymanians has risen because the alternative to the one year Gainful Occupation Licence which is clearly inadequate to any worthwhile profession or vocation appears to be Caymanian Status, which is highly problematic to us Caymanians.

A viable alternative is the grant of Gainful Occupation Licences coupled with permanent residence to ensure tenure of service. This would of course only apply to cases that would normally qualify for status with the understanding that one year work permits would continue to be granted to accommodate short term to medium term requirements.

In considering therefore, whether any form of Gainful Occupation Licence will be granted, a condition must always be that Caymanians are given the first right of refusal. Also qualified Caymanians must not be bypassed. It must also be a condition that professional firms and businesses are obliged to make a genuine offer of employment to Caymanians before they are allowed to bring in non-Caymanians to fill available positions in their businesses. It is unfair to newly qualified Caymanians to be turned down by firms or other businesses with the excuse that they lack experience. The question is, how will they ever get the required experience if they are not given the opportunity?

Also the Caymanian Protection Board must ensure that genuine advertisements are placed in the local papers to ensure that would-be employers are not just fulfilling a requirement of the Law with no genuine intention of employing Caymanians. Wherever this practice exists it must be stopped forthwith. I have heard of certain firms and businesses that publish ads to fit the qualifications of individuals they want to employ rather than the position to be filled. I am totally opposed to such a practice and want to see an immediate stop brought.

Mr. President, at the administrative level it would seem that the duties and responsibilities of the Caymanian Protection Board should be divided to allow it to deal with the more important matters and to allow the more mundane matters to be dealt with departmentally or otherwise.

Another important question requiring attention and this was alluded to and was mentioned by the Mover of the Motion is this, how do we deal with the children of non-Caymanians born in the Cayman Islands? I would like to hear a comprehensive statement made on this. This is why I said that we need to be dealing with the full Law. This matter should have been referred to a Select Committee of this House and given time for study. We know that this cannot be done now, because this is the last Session before the House is dissolved and the Select Committee would be resolved with the House.

Whichever Government is in place in the next election this should be given a lot of study and should be properly dealt with. How do we deal with the children of the non-Caymanians born in the Cayman Islands? If they are not Caymanians what are they? What happens to the Caymanian who goes off the United States, Jamaica, England or Canada and has a child born in that country? What nationality is that child? These are a lot of questions we need to answer. We are talking about the life and the well being of human beings we are not talking about animals. We have got to give a lot of serious thought to this.

In another part of the Mover's presentation of his Motion I think he touched on this in another way but he indeed touched on it when he said that only the accident of birth will determine what your true nationality is. Something to that affect. So if it is going to apply to Caymanians, consideration must also be given to children being born in this country. What is their nationality if they are born here? Are they British, Canadians, Americans, Jamaicans? Mr. President, I am not suggesting how this matter must be dealt with I am just saying that it needs to be dealt with and urgently.

This Motion touches the very soul of the people of this country. We are a proud people and we are an independent people but we are a very friendly, loving, and peaceful people. We do not want people coming here to work with us feel that we are only interested in them helping us to make a few bucks for this country. We want them to feel happy living amongst us, we do not want a threat hanging over their heads, but at the same time we have to protect ourselves.

Therefore Mr. President, in giving my support to this Motion I trust that serious attention will be given to my recommendations with regards to permanent residence etcetera.

I am not suggesting that there are no better ways to address this problem but if there are better ways we need to hear them. I trust that this Motion will bring out some of those good recommendations today.

The situation is getting desperate. We can no longer pretend that this problem will go away. A major revision of the Law is therefore needed. Also a rethinking of the directives and other policies of the Caymanian Protection Board.

Thank you Mr. President.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Thank you Mr. President.

Mr. President, I rise to express my support of Private Member's Motion No. 8 of 1988 dealing with the revision of the Caymanian Protection Law, 1984.

In this small country and small community with a small population of indigenous people we find that Caymanians over the years have had a somewhat unique life-style all of their own. While previous speakers have mentioned a number of points which may arise in my contribution, I nevertheless feel perhaps there is room for reemphasising certain of those.

Mr. President, the fact that a person cannot vote and thereby may not be able to decide who sits in Government does not in itself ensure that he or she would not prove to adversely influence the social climate and stability of this country.

Having read today's headlines in the Caymanian Compass that we may in a few short years be outnumbered even if present immigration trends continue is cause for concern. I was very concerned on seeing the headlines today in the paper on this subject. To drastically increase this influx of expatriates into our islands I believe would prove serious. In fact I think it poses a serious threat to the unique society which I mentioned earlier. We must develop at a pace conducive to a smooth and favourable growth rate, one which does not threaten our precious closely-knit community.

Mr. President, I have deep concern for those person who find themselves in tight straights as a result of Immigration policies. Indeed I have had numerous conversations regarding this situation with contractors and many other business people. Nevertheless, I am still of the opinion that one and all of us must plan our projects and our requirements at such a pace that no major influx of non-Caymanians will be necessary.

While we will of necessity continue to need the services of non-Caymanians, resulting in the need for the grant of work permits, there is room for caution. We owe it not only to ourselves but to our children and future generations to ensure that there be no major upset in the social climate of this country. We must consider not only our own desires and wishes, but those of the generations to follow. We cannot afford to over-populate this country with non-Caymanians, we simply cannot afford to do so, especially from any one particular country. A build up in any such grouping will undoubtedly trigger social unrest, dissension and instability.

The word instability triggers immediately disturbing thoughts. The stability of these islands within Government, within the economy and within our social climate has significantly contributed to the healthy development of our country. Can we now at this stage afford to kill the goose that lays the golden egg, as goes the old adage? Can any of us afford to act selfishly and develop this country at a run-away pace thereby of necessity creating an influx of expatriate labour which for reasons stated earlier will prove to extinguish the very healthy climate which attracted developers here in the first place?

While considering the foregoing Mr. President, can we on the other hand, afford to stifle or hamper development? Can we afford to halt all immigration to achieve our goal of insuring that Caymanians remain in the majority in this our home? No we cannot.

We must find a common middle of the road position, a favourable solution to the problem. That is not easy. That is the reason perhaps for this Private Member's Motion. Those who work amongst us are here we hope not only for what they can achieve for themselves personally but for what they can contribute to the ongoing stability of the country in which they are privileged to reside.

Many have been making such a contribution and for this I am extremely grateful. Whether in the church, in education in the health services, in social clubs, in sports or in whatever area, I wish at this time to express my grateful thanks to every non-Caymanian who has contributed to the healthy stable climate of our country. While we cannot offer to all those who have made such fine contributions the grant of Caymanian Status, we nevertheless wish to ensure that they feel comfortable and secure while they choose to live here.

We therefore need to address this sensitive and perhaps even delicate subject, and to allay any fear which may arise in the minds of these fine residents as to their future in our country. We cannot be selfish nor forgetful for it is only too true that our parents and grandparents and even some in our own age group have found it necessary to go to another man's country in order to find a suitable livelihood.

This Mr. President, is a fact and we must never forget that. We also must not forget that our Caymanian people who went overseas were for the most part, ambitious law-abiding individuals who created no problems in the countries in which they chose to live and we expect no less from those who wish to abide with us.

While we welcome bona fide work permit holders, we detest the influx of persons who come to this country and work on three or four jobs sometimes for months without a work permit. This situation is creating a serious problem not only for the Immigration Department but to our Caymanian people as a whole.

The Economic Development Plan approved by this Honourable House only a short time ago projected a growth rate much lower than that which we are experiencing at the present time. In my opinion this increased rate of growth in our population has reached an unhealthy level. There are many of our people who are dissatisfied and who are quite anxious that something be done to remedy the situation.

As I mentioned earlier, this is not easy, but we as a representative government are now faced with two demands. On the one hand we are concerned about the number of Caymanians who wish to recruit expatriates to help with the demands which the growth in development has placed on their companies; Caymanians who are finding it extremely difficult to cope because of the difficulty in recruiting workers from among our Caymanian population. These individuals must be given some consideration with the grant of work permits, but there has to be a limit.

On the other hand Mr. President, there are a vast number of Caymanians who are unhappy over the numbers of expatriates who are allowed to come and work in the islands and they too are concerned that this perhaps is not a healthy situation.

Where do we go Mr. President? What do we do? There has to be a solution found and soon. In both categories mentioned above, there has to be a certain amount of give and take. We must live and let live and bend a little in order that these fair islands of ours can continue to be a happy, prosperous and peaceful place.

While I agree that the acquisition of Caymanian Status be limited and while I agree that some form of residential Status be provided to assure security of tenure for non-Caymanians, I would be quick to express my deep concern as regards the numbers of such persons granted permission to live here.

As mentioned earlier, being eligible to vote is not the only vehicle through which non-Caymanians residing on these islands can make a serious impact on this country. Needless to say the life styles, backgrounds, political and religious views and other factors will come into play once they are here to live amongst us. As we all know only too well there are certain groups which are extremely clannish.

This situation must be carefully monitored. Caymanians must remain in control and this must be seen to be the case. We must not even become vain and domineering not ever. Be that far removed from our thoughts. However Mr. President, these small islands can absorb only a realistic number of people and this for more reasons than one.

Should an unhealthy situation be created, we may be standing in this House sometime in the not too distant future debating how if at all we can rectify a grave unhealthy situation. We must not stifle nor adversely encumber development, but I must reemphasise that there are more things to be considered than a run-away development.

We must plan our development to keep pace with our own population growth. I am not in favour of Caymanians being out-numbered by non-Caymanians. While some argue that we have to be careful not to discourage nor turn away the investor from this country because he can go elsewhere and find open arms, and while I agree that this argument does have some merit, I must nevertheless stress that if run away development is permitted to take place in these islands, then and only then might we find ourselves faced with a monster of a situation which will only serve to destroy the healthy climate which attracted the investor to these shores in the first place.

Mr. President, I must reemphasise that the climate which attracts investors to these Islands can be destroyed as has been in other countries. We can destroy it in more ways than one. As I mentioned earlier be it far from the minds of this Government or any Caymanian to have people living amongst us who feel insecure and unhappy. On the other hand Mr. President, the

Caymanian people must be first and foremost in our minds and whatever makes them happy is what we should first seek to do.

This sensitive issue deserves unselfish consideration even in an election year and while I support the Motion as presented, I wish to make it emphatically clear that I do not advocate that Immigration policies become so lax that in the long term or perhaps even in the short term our own Caymanians are left out in the cold and an unhappy and frustrated people. We must remain the friendly and charming people that we have always been. We must be tolerable and gracious to those who live amongst us in harmony. But we must first and foremost protect the Caymanian people.

I trust that if passed, the passing of this Motion will ensure that this is done, for after all, Cayman is our home and we need to protect it.

Thank you Mr. President.

MR. PRESIDENT:
will invite the Mover to exercise his right of reply.

Does no other Member wish to speak? In that case I

standing to speak?

I am sorry is the Elected Member for North Side

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

I am quite willing to give way if someone else wants to

MR. PRESIDENT:
Member for North Side.

No? Well, please if you would. I think the Elected

MR. D. EZZARD MILLER:

Mr. President, I am astonished that the Member responsible has not found it fit to give us the courtesy of hearing his valuable input and experience from this. Of course the Mover of this Motion the Second Elected Member for West Bay and myself have always had to play games with these people. Every time he has ventured out and I have followed too closely behind and not protected the flank they have taken advantage of us. But I do not believe that they are going to try to add on this issue. In spite of what has gone on and what has been said when the 'Yeahs' and the 'Nahs' are called for on this debate either all of the horses are going to be tied to the cart or the wheat is going to be separated from the shaft.

Mr. President, I support Private Member's Motion No. 8, Revision the Caymanian Protection Law, 1984. What this Motion seeks to do I have advocated consistently for the last three Throne Speeches and the Second Elected Member from George Town has not let me down. He has opposed me every time I have advocated it. He has that right and I respect him from that.

Mr. President, I read a book some years ago as part of my initiation to the University of Minnesota and it was called 'The Dance of Legislation' and I fully realize that for any legislation to evolve there has to be a lot of dancing going on. We all hope and seek that the final product will be the best product and it will be representative of all Members in the Assembly.

Mr. President, this Motion says; 'WHEREAS the Cayman Islands are a small country; AND WHEREAS in recent findings it is known that in a few years indigenous Caymans will be outnumbered'. For once the Second Elected Member for West Bay and I have enjoyed favourable information disseminated by the Compass at the appropriate time. This headline certainly identifies the urgency of this matter.

For all those political also-rans, we the incumbents in here and the political also-intend-to-runs, who are claiming that this Motion was moved strictly for political mileage by the Second Elected Member for West Bay and myself and had no basis in fact nor no reason to be rushed as they say, I hope they read, understand and appreciate the article on the front page of the Compass today.

We are a small country but we are a big people. Caymanians are proud of this country; Caymanians are proud of their heritage; Caymanians are not going to sit back quietly and be placed on reservations like the North American Indians. Caymanians built this country, Caymanians have so far directed the development of this country from a political stand point and the basis, the intent, the principle, the purpose behind this Motion is to ensure that Caymanians are going to direct this country in the future.

I have no particular axe to grind with any nationality other than my own people. That is my brief, I am here for Cayman and Caymanians. I will be the first to admit that this country needs foreign members in its labour force. Foreign members to invest and to continue the economic development in this country.

Mr. President they have to understand that while we welcome them, while we encourage them, while we provide all the amenities and facilities to help them benefit and enjoy their stay in the Cayman Islands, they must understand that we are here to stay, but they are here to go. While they are here they must be allowed to enjoy all the facilities that this beautiful land of ours provides. Make as much and earn as much as they can in their investments and in their labour, but in the final analysis Cayman must be for Caymanians.

The Mover of this Motion and myself have been bombasted and inundated with comments that we have not thought it out; we are rushing it; and it is a piece meal act. None of that applies Sir. We have thought it out well. He started off this morning with the Biblical times, he went through the Egyptians, the Romans and he wound up with 'us' and I going to stick with 'us'.

Mr. President, any Member in this Assembly or any person who aspires to be a Member of this Assembly and abrogates the responsibility and the opportunity to protect Cayman for Caymanians should retire. The other ones should not bother to run.

Any vote against this Motion in my opinion is an abrogation of that responsibility and it is a betrayal of the trust that the people of this country has placed in Members' hands. That is my opinion and if you do not vote it is a 'no' vote. You have to vote and you have to vote yes. Right, Mr. Second Elected Member from Bodden Town?

Now Mr. President, I will accept that some of the demands for extra work permits are created by the present Government whom I support. They have restored confidence

In the economy, they have done a good job to re-attract investors that you ran away. They have rebuilt the country from a deficit position which you left them in to one of a glorious surplus on excess revenue. I will accept the blame for some of that, but that does not allow you or anyone else, nor me included, nor them, the right to abrogate the responsibility to deal with this issue now, not tomorrow but now.

Mr. President, what are the Mover and myself and those Members who support us trying to do in this Motion? Limit the acquisition of Caymanian status. The Mover has made it clear and I seconded that position. We are limiting it to parental ties, people born in this country of at least one Caymanian parent. Or people born abroad of at least one Caymanian parent, or to people who have been married after ten years. That is our position - clear cut. No ifs, no ands, no buts.

Defining the word 'Caymanian' and what do we want Caymanian to be defined as is a person born in the Cayman Islands of at least one Caymanian parent, or born overseas or somewhere else of at least one Caymanian parent.

The Swiss I believe Mr. President, have a funny name for it. They call it and I apologize if I miss pronounce the words, (jessangwens?) a right of blood. A man is not a Swiss citizen by being born in Switzerland but by being descended from a Swiss. So we are not trying to create anything that has never been heard of before.

The British did it in 1981 in their British Nationality Act. I do not recall them calling me up and asking me what I wanted to be? The Mover touched on the political aspect of this thing. While there are many good people in this country on work permits who stay in their places, they do their work, they contribute and they do not bother anybody else, there are a lot of people on work permits who have accused us of all manner of evil, that we are trying to hurt them and we are trying to take away their rights from them.

That is not the position, we want Cayman to stay in the hands of Caymanians that is all. Mr. President, as far as I am concerned, Caymanians must never ever become outnumbered in this fair land of ours in terms of being able to get involve in the political process whether to vote or to run for office.

The Second Elected Member from George Town referred to the Constitutional change moved by the First Elected Member of Council and himself. I supported that because as always you cannot always get everything that you want, but my position was made quite clear.

My position and opinion was at the time and still is, that in order to sit in this Honourable House you have to be born in the Cayman Islands not acquire Status through some back door and spend ten or fifteen years. If we do not stop granting Caymanian status that constitutional change does not protect us sufficiently as far as I am concerned. Once you get Caymanian status by virtue of your connections to these island - and I hope that is the only way you are going to get it - and you wait the time period, you can run for office and you can vote.

We need to go one step further with that too. You must be born here and you must be Caymanian. After we get the word 'Caymanian' defined in the Caymanian Protection Law then we can amend that and simply say, you do not need ten clauses. In order to qualify to be nominated to be a representative and to seek election in this country you have to be a Caymanian. Finished.

Mr. President, one Member said that and I think it was alluded to by comment - I hope the Second Elected Member for Bodden Town is going to speak you know Sir, because I really want to hear and I want the country to hear his position on this issue - but I think it was alluded to that this problem of Caymanian status and being out-numbered has nothing to do with that. It has to do with work permits and the fact that we have uncontrolled development. Another Member said that it is because the directives and policies issued to the Board are not working.

The economy of this country has to grow. The economy of this country is not a horse or an elephant or a donkey that we can tie it on to this tree this week, next week you just simply put a bucket of water over there and you lead it and tie it on to the next tree. It simply does not work that way.

When people want to invest in this country they are either going to invest here or they are going to invest somewhere else. Now I will be the first to agree that we have a lot of pluses for investment that other places does not have and that is what we are trying to protect. The situation, the people that created this good investment climate in this country were Caymanians. They are the people who have built the stability of this country. The people on work permit have come along and helped pick the fruit off the tree and have helped to plant a few trees. But the basic stability which is the foundation of this economy was built by Caymanians and that is what we want to continue.

It is clear from the article in the press that the directives are working. Everyday in the streets people are telling you they cannot get this work permit, they cannot get that work permit, but here we have figures release today that says work permits granted were increasing at a rate of 13.2 per cent as opposed to 7.5 per cent. That is approximately twice as many and I will be the first to agree that if we are going to continue the development we have to continue to import certain sectors of the labour force.

Now my position is they getting their work permits too easy. What we want to ensure is that when these people come in here for our benefit but for their own benefit too, this country is benefiting. We are expanding the economic base and the people are benefiting because Government gets revenue which can be spent on education, health, and infrastructure and everything else.

But the individuals who come here are benefiting. To put it quite clearly anyone who is in this country and not for his own benefit is an idiot. The only people I know that migrate from a good set of circumstances to a bad set of circumstances would be in that class. And I believe that we can tighten the screws a little bit and tell them, 'listen you can come in here, you can work, you can reside for as long as you can justify your work permit to the Board, but you cannot ever be a Caymanian and you cannot get involve in the political process.'

I believe that the greatest concern and the greatest uncertainty and the greatest contention between Caymanians and non-Caymanians is because the Caymanians are worried that too many people are going to get Caymanian status. The non-Caymanians want Caymanian status because that is the only way they have any power. Yes, I agree with that. That is how they get real power because they get full rights of the rest of us once they get Cayman Status, but it is the only security of tenure they have now.

MR. PRESIDENT:
finished in five or six minutes?

May I interrupt you a moment. Do you think you will be

MR. D. EZZARD MILLER:

No Sir.

MR. PRESIDENT:
adjournment.

In that case this might be a proper moment to take the

ADJOURNMENT:

HON. THOMAS C. JEFFERSON:
Honourable House until 10 o'clock tomorrow morning.

Mr. President I move the adjournment of this

QUESTION PUT: AGREED.

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.
FRIDAY 9TH SEPTEMBER, 1988.

MR. PRESIDENT:

The House stands adjourned accordingly.

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

**THIRD MEETING OF THE 1988 SESSION
FRIDAY, 9TH SEPTEMBER, 1988
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, OBE	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

ORDER PAPER
OF THE
HONOURABLE CAYMAN ISLANDS LEGISLATIVE ASSEMBLY
THIRD MEETING OF THE 1988 SESSION
9TH SEPTEMBER, 1988
THIRD DAY

1. PRAYERS

To be read by the Third Elected Member for West Bay.

2. PRESENTATION OF PAPERS AND REPORTS

(1) THE WATER AUTHORITY 1987 ANNUAL REPORT

To be Laid on the Table by the Honourable Fourth Elected Member of Executive Council.

(2) FINANCIAL STATEMENTS OF CAYMAN TURTLE FARM (1983) LIMITED
(For the year ended 31st March, 1988)

To be Laid on the Table by the Honourable Fourth Elected Member of Executive Council.

3. QUESTIONS TO HONOURABLE MEMBERS

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

No. 30: Could the Honourable Member give a comparative breakdown of the income and expenditure of the previous arrangements for the handling of the ships' registry as compared with the projected income and expenditure of the recently established ships' registry?

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

No. 31: Can the Honourable Member say who was directly responsible for the purchase of the Shorts Aircraft, and was there any intermediate company or person involved in the purchase?

No. 32: Can the Honourable Member say what assets of Cayman Airways Limited were sold since January, 1985, and how much was realised?

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

No. 33: Can the Honourable Member say what was the total revenue to Government from the Civil Aviation Authority including apron fees, car park fees, hanger fees, rental of premises, travel tax, landing fees and registration of aircraft during 1984 to 1988?

No. 34: Can the Honourable Member say how many charters have been arranged for Cayman Airways' aircraft for the 1988 winter season and how do the numbers compare with the years 1984, 1985, 1986 and 1987?

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

No. 35: Can the Honourable Member say why the playfield on the land adjacent to the Civic Centre in Bodden Town has not been completed?

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

No. 36: Would the Honourable Member say:

- (a) whether Cayman Airways Limited is replacing the Shorts 330 aircraft, and, if the answer is in the affirmative, when; and

- (b) whether there are any plans to service the Cayman Brac/
Little Cayman route with a smaller aircraft?

No. 37: In view of the discontinuation of Cayman Airways' jet night flights to Gerrard Smith Airport, Cayman Brac, can the Honourable Member say what safety factors and/or plans are being considered to meet CAL's safety requirements for these night flights?

No. 38: Will the Honourable Member say what, if any, improvements in Air Service are planned for the Lesser Islands?

4. GOVERNMENT BUSINESS

BILLS:

THIRD READINGS

- (1) The Notaries Public (Amendment) Bill, 1988
- (2) The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1988
- (3) The Tourism (Amendment) Bill, 1988
- (4) The Statistics (Amendment) Bill, 1988
- (5) The Customs (Amendment) Bill, 1988
- (6) The Companies (Amendment) Bill, 1988
- (7) The Elections (Amendment) Bill, 1988

5. OTHER BUSINESS

(i) PRIVATE MEMBERS' MOTIONS

- (1) **PRIVATE MEMBER'S MOTION NO. 8/88**
Revision of the Caymanian Protection Law, 1984

Debate continuing thereon.

- (2) **PRIVATE MEMBER'S MOTION NO. 9/88**
Social, Historical and Cultural Awareness

To be moved by the Second Elected Member for West Bay and seconded by the Elected Member for North Side

- (3) **PRIVATE MEMBER'S MOTION NO. 11/88**
Fight against crime in the Cayman Islands

To be moved by the Second Elected Member for Bodden Town and Seconded by the Elected Member for East End.

(ii) PRIVATE BILLS:

READING OF PETITION:

The Church on Hospital Road (Incorporation) Bill, 1988

6. Adjournment

To be moved by the Honourable First Official Member, Leader of Government Business.

TABLE OF CONTENTS

	PAGE
Prayers	1
Presentation of Papers and Reports	
The Water Authority 1987 Annual Report	1
The Financial Statement of the Cayman Turtle Farm (1983) Ltd.	2
Questions to Honourable Members	
Question No. 30	3
Question Nos. 31 & 32	4
Question Nos. 33 & 34	5
Question No. 35	6
Question Nos. 36 & 37	7
Question No. 38	8
Government Bills	
Third Readings	
The Notaries Public (Amendment) Bill, 1988	8
The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1988	8
The Tourism (Amendment) Bill, 1988	9
The Statistics (Amendment) Bill, 1988	9
The Customs (Amendment) Bill, 1988	9
The Companies (Amendment) Bill, 1988	9
The Elections (Amendment) Bill, 1988	9
Private Member's Motions	
Private Member's Motion No. 8/88	
Revision of the Caymanian Protection Law, 1984	
Continuation of Debate	
Mr. D. Ezzard Miller	10 - 11
Hon. J. Lemuel Hurlston	11 - 14
Mr. W. McKeeva Bush	14 - 16
Private Member's Motion No. 9/88	
Social, Historical and Cultural Awareness	
Mr. W. McKeeva Bush	16 - 18
Hon. Benson O. Ebanks	18 - 19
Mrs. Daphne L. Orrett	19 - 20
Mr. W. McKeeva Bush	20
Private Member's Motion No. 11/88	
Fight Against Crime in the Cayman Islands	
Mr. G. Haig Bodden	20 - 22
Adjournment	22

FRIDAY

9TH SEPTEMBER, 1988

10:00 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 the light of His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT:

Proceedings of the House are resumed.

Elected Member of Executive Council.

Item 2 on the Order Paper is Papers. The Honourable Fourth

PRESENTATION OF PAPERS AND REPORTS

THE WATER AUTHORITY 1987 ANNUAL REPORT

HON. VASSEL G. JOHNSON:

Mr. President, Honourable Members, I beg to lay on the Table of this Honourable House the Report and Accounts of the Water Authority for the year 1987 in accordance with Section 8(g) of the Water Authority (Amendment) Law, 1987.

MR. PRESIDENT:

So ordered.

HON. VASSEL G. JOHNSON:

Mr. President, I would like to make some brief comments on the Report and the Accounts of the Water Authority for the year under review.

Accompanying this statement are details of the Water Authority's revenue and expenditure for the year 1987. The Water Authority accounts remain tied to the Government system and therefore the audit will be included in the Auditor General's Report on the Government's Account, which was laid on the Table of this Honourable House earlier in this meeting.

The year 1987 was very active and challenging for both the Board and the staff of the Authority. Both the West Bay Beach Sewage Scheme and the George Town Piped Water project were under construction. Both projects made steady progress to the end of the year, at which time they reached this stage where in January, 1988 they could start operating, although actual completion of the projects would not be until the latter part of this year.

In addition to the involvement with the two major contracts for sewage and water, the Authority began setting up the accounting and financial control system for the administration, so that from the start of operation of these two new public utilities the Authority would, as in the case of other statutory corporations, become completely responsible for their financial affairs and their administration.

At the absence of a conventional public sewage system along the Seven Mile Beach, an area considered the pulse of the tourist industry, has for a long time been of great concern from a health hazard point of view.

Also in recent times, there is the suspicion of possible damage to the marine environment as a result of this continuing unhealthy situation. For these reasons, it is hoped that those along the corridor who must use the new facility will do so in the knowledge that the price they pay for the service is an investment in the preservation and promotion of the country's health and economy. What we have heard so far about it in recent times, the marine environment and ecology is also to be considered.

The extension of the sewage system into the Snug Harbour development, an area excluded from the present scheme at the planning stage for economic reasons, is now being considered. A new small bore system, which is both economical and efficient, is contemplated. A feasibility study of this system for George Town has already been completed and recommendations in the Report await examination at completion of the Authority's present work programme. The cost of both studies, for George Town and Snug Harbour, is the subject of a gift from the Canadian Government for which this Government is most grateful.

Mr. President, piped water for George Town is another tremendous development for this country. I say that because the George Town water system is being provided for the capital which is the main commercial centre of the country as well.

Many people from other districts gather here during the day to work. Many more are constantly moving here in search of employment. Therefore, it is important that water, which is a very important public utility, is in good supply. I can say at this time that we do have a fairly good supply of water.

Mr. President, those homes in the piped area using the water must be mindful that besides the low price of the water other tangible savings such as charges by truckers, the cost of pump and electricity, new homes will even enjoy further savings in capital cost for cisterns and other water

storage system, which they will not have to provide in their new homes.

Residents outside the piped area will enjoy some benefits as truckers can buy this top quality water at a fairly low price. The price of the water was the main issue in the negotiation with the producers and this was in order to ensure a product of best quality at the lowest price possible, always bearing in mind the many low income families who would need to use the water.

As finances become available residential areas around George Town presently outside the first phased pipe network should be connected as well. Thought must also be given in the near future to a second phase water scheme for West Bay.

During this current year 1988, residents of South Sound and Red Bay offered to contribute to the capital cost of extending the pipe network for water in those areas. Government supported the proposal and advised that if funds were forthcoming the extension would be done and further assured contributors that their money would be refunded by credits on their monthly bills. It is therefore important that if the water is to be extended in those areas that residents should come forward in a very short while and make their contributions for the extension.

At this time, it would be remiss of me not to mention the Board's deep gratitude to the Director of the Water Authority, Mr. Richard Beswick, and his staff for their dedication and keen interest in the development and organisation of the Authority which is now fully functional. The staff, though small, undertook the designing and preparation of the five contract documents for the water and sewage projects. The sewage is, of course, Government's largest project to date and the combined investments of Government and Central Desal also make the water scheme even larger than the sewage project.

In normal circumstances, the Authority would have required the services of outside consultants, architects and additional staff to undertake these two major and complex specialised projects, being water and sewage. The staff also assumed full supervision and financial control over the contracts which involved a financial investment of over \$15 million.

The Director himself is the engineer in charge of all the contracts. In addition to responsibility for the large new capital projects programme, the Authority has many and varied operational functions including the water resources, supervision of water franchises, operation of well field and sale of water, establishment of the first plumbing inspectorate and setting of standards for work and licences under the Law.

The Water Authority is no longer the insignificant operation some once thought it was. It is now a public utility ranking in importance with other public utilities in the Island. I must also extend to Members of the Board my grateful thanks for their keen interest and valuable contributions to the business of the Board.

Thank you very much.

MR. PRESIDENT:
Honourable Fourth Elected Executive Council.

Continuing with Item 2 of the Order Paper. Papers, The

**FINANCIAL STATEMENT OF THE CAYMAN
TURTLE FARM (1983) LTD.**

HON. VASSEL G. JOHNSON: Mr. President, in accordance with the Articles of Association of the Cayman Turtle Farm (1983) Limited, I beg to lay on the Table of this Honourable House, the Annual Report and Audited Accounts of the Farm for the fiscal year, the 1st of April 1987 to the 31st of March, 1988.

MR. PRESIDENT: So ordered.

HON. VASSEL G. JOHNSON: Mr. President, the past year of operation of the Turtle Farm has been the most financially successful year in the company's history. No Government subsidy was required and a profit of \$75,721.00 was made.

As in recent years, the majority of income was derived from tourist admission fees and gift shop sales. Sale of edible and non-edible turtle products accounted for only 32.9% of the income.

The number of tourists visiting the farm increased from 75,653 in the previous year to 89,539 during this year under review, or an 18.4% increase in the number of visitors.

Revenue from tours rose by 17.5% to \$287,056.00. Retail sales from the gift shop increased from \$292,570.00 to \$372,619.00. Up 27.4%.

In April 1987, an agreement was signed with Caribbean Sea Farms Limited to lease 7.7 acres of unused land for development of a shrimp farm.

During the past fiscal year \$17,650.00 was collected in rent from Caribbean Sea Farms Limited. The overall income of Cayman Turtle Farm for the fiscal year under review increased some 22% from \$849,843.00 to \$1,042,939.00.

The gift shop was modified to increase its area by 273 square feet. In November, 1987 a snack bar and fauna and flora area were opened to the public as an additional attraction to the farm. It is an additional attraction because visitors going to the farm saw only turtles, and we thought that it was time for them to see a little more. So, we included in there our names sake, the three crocodiles, and a few other things which have delighted visitors. (Laughter) You know, anything that will carry our names will delight visitors.

During the 1987 production season, 55,066 eggs were set producing 16,779 hatchlings. Of these, 5,603 were released into local waters. Two thousand five hundred and sixty (2,560) were shell-grafted and held for release as yearlings in October 1988. The remainder, 8,816 were held as future farm stock.

In October 1987, 501 yearlings were released. This brought to 20,562 the number of Green Turtles released into Cayman waters since 1980.

The Farm's captive breeding herd of Kemps Ridley laid 877 eggs producing 266 hatchlings. In August, 1987, 160 of these hatchlings were transported to Galveston, Texas for rearing to one year of age at the United States National Marine Fishery's Laboratory, where they will be released in the wild. At the release last year the Managing Director of the Farm and myself attended that release programme and we had fairly good coverage from CNN on that programme.

As I see it, the farm should, under strong management, continue to improve its financial position because self-sufficiency is the most important aspect of it. If it continues in this direction, it can certainly pay dividends to Government. In fact, it presently has a loan of a \$100,000 from Government which it expects to pay in the years to come. Mr. President, not soon, in years to come. (Laughter) We will pay you the dividends, Mr. President, before we pay the loan.

It was a pleasure for the Farm to have been one of my subjects during these four years and I want to, at this time, pay tribute to all the Members of the Board who have served over these four years, especially those who are now on it. I thank them for their valuable contribution in the administration of the company and also to the Managing Director and his staff for their dedication and excellent performance in the day to day management of the farm. And lastly, I would like to thank Government for the part that it played in assisting the farm to overcome its difficult days.

Thank you, Sir.

MR. W. McKEEVA BUSH:
staff?

Mr. President, I wonder if you would allow some questions on

MR. PRESIDENT:
answers. Please go ahead.

Standing Orders do permit questions with short clarificatory

MR. W. McKEEVA BUSH:
whether he has any sort of programme in place for Caymanian management, especially in the Engineering Department?

I wonder whether the Member could say, Mr. President,

HON. VASSEL G. JOHNSON:
been questioned for one reason or the other. The manager of the Farm has been questioned about this on a number of occasions and his own view is that the Farm requires a certain amount of expertise to keep functioning. Any time that local staff can be found to put into the positions he would be happy to do so. There have been difficulties at the Farm with local staff and while we do not want to state all these difficulties in this Chamber, Members can understand that the question of staffing has always been of concern to me personally. I hope that in the near future this matter can be addressed properly and that we can find Caymanians who are suitable and capable of occupying these positions.

Mr. President, I know that the staff of the Farm has always

MR. W. McKEEVA BUSH:
Caymanian is something else. The Member, I think, in his Report said that there had been a profit. I wonder if the Member could say anything about staff salaries?

Mr. President, as to whether the manager will find another

MR. PRESIDENT:
salaries. If you would like to make a precise question please put it.

I think we are going rather beyond the intent of the Standing Orders but in any case, your question is not precise. You are saying does he want to say anything about staff

MR. W. McKEEVA BUSH:
any recent upgrading to staff salaries at the Farm?

Mr. President, I am trying to find out whether there has been

HON. VASSEL G. JOHNSON:
is probably someone call an Engineer who looks at different aspects of the operation.

Yes, Mr. President, last year there was a salaries review at the Farm. I would like to mention to the Member that we have no Engineering Department at the Turtle Farm, but there

MR. W. McKEEVA BUSH:
I will not pursue it any further.

I am glad the Member clarified that, Mr. President, because I knew that. That is exactly what I am getting at. They have no Engineering Department (if the House would allow me) yet they have this position called an Engineer. I think the Member knows quite well what I am talking about, I

MR. PRESIDENT:
No, I think we will leave it there.

Well, I hope he does because frankly, I have not understood it.

MR. W. McKEEVA BUSH:

No, the Member knows though.

MR. PRESIDENT:
knows, all well and good.

Sorry, I do not want to extend this, I am simply saying if he

End, Question No. 30, please.

We will move on to Questions. The Elected Member for East

QUESTIONS TO HONOURABLE MEMBERS

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

NO. 30: Could the Honourable Member give a comparative breakdown of the income and expenditure of the previous arrangements for the handling of the Ships' Registry as compared with the projected income and expenditure of the recently established Ships' Registry?

ANSWER: The revenue from Ships' registration and annual registration fees, using the past three years, was:

1985	CI\$132,000.
1986	CI\$225,000.
1987	CI\$196,000.
1988 (1st January to 31st August)	CI\$128,000.

Expenditure for the Shipping Register was not separately maintained and formed a part of the Registrar General's Annual Expenditure. Over the past three years the aggregate expenditure was:

1985	CI\$174,744.
1986	CI\$158,661.
1987	CI\$194,168.
1988 (1st January to 31st August)	CI\$221,141.

A complete review of registration fees and annual fees, together with marine survey fees and related costs, is currently being conducted. To date an exercise is under way to compare Cayman Islands fees with those of other international shipping registry's in order to provide data which will allow for a realistic projection of revenue to be developed.

A fundamental aim will at least be to ensure that the costs of running the Shipping Registry, as a whole, will be met by fees charged. A broad estimate of total costs when a full complement of staff is employed in both the Shipping Registry and Marine Survey Department is being approximated at CI\$370,000 per annum.

It is not yet possible to prognose what revenue in excess of this may reasonably be achieved until the exercise referred to above is completed.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, can the Honourable Member give us the reason why the revenue for 1987 and 1988 appear to be so much less than 1986? I know the 1988 only covers the period from January to August, which is eight months. But, if we add a half to that, the revenue would be \$170,000 for this year, as against \$225,000 in 1986. Can the Member explain the reason for the fall?

HON. THOMAS C. JEFFERSON: Mr. President, I believe the principal reason is that prior to the United Kingdom Government agreeing to extend the conventions to the Cayman Islands, ships on the Registry in the Cayman Islands were undergoing tremendous difficulty with the Coast Guard in the United States. And quite a number of ships that were on the Register left as a result thereof.

MR. PRESIDENT: It appears to be there are no more supplementaries. In that case the Elected Member for East End please, next question.

MR. JOHN B. McLEAN: Mr. President, before asking the other question I would like to say regarding my follow-up question on the Ships' Registry, I am satisfied that the Member has answered it in this question, so that could fall away from the Business Paper.

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

NO. 31: Can the Honourable Member say who was directly responsible for the purchase of the Shorts aircraft, and was there any intermediate company or person involved in the purchase?

ANSWER: The Board of Directors of Cayman Airways Ltd. was responsible for the purchase of the Short SD-30 aircraft. There was no intermediate company or person involved in the purchase.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could say if a study was carried out to show that this aircraft was the correct one for the Cayman Brac Little/Cayman run?

HON. W. NORMAN BODDEN: Mr. President, presentations were made to the Board of Directors and studies were conducted regarding the pay load and operation into Cayman Brac and Little Cayman before the decision was made to purchase the aircraft.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could say if there were any spare parts included in the package with the purchase of the Shorts?

HON. W. NORMAN BODDEN: Mr. President, to the best of my recollection the spares for the Shorts was a separate package. I do not believe that any spare parts were included in the purchase price of the Shorts.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could say whether in the spare parts if there were any spare tyres as a part?

MR. PRESIDENT: I think that is going into some detail. Maybe if the Member feels that he cannot reply, he would like to reply in writing, maybe.

HON. W. NORMAN BODDEN: I am not able to say, Mr. President, whether there were spare tyres involved in the original spare package. There could have been. I know that recently the Shorts aircraft blew a tire on landing in Cayman Brac and that had to be flown in before a tire could be changed. I do not know what effect that had on the original spares package. There could have been tyres included in the original spares package but it just happen that one was not available for immediate replacement in this last incident.

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

MR. G. HAIG BODDEN: Mr. President, the Member has said in the answer that there were no immediate company or person involved in the purchase. Can the Member tell us from which company or person the aircraft was purchased?

HON. W. NORMAN BODDEN: Yes, Mr. President, the aircraft was purchased from Pennsylvania Air and there were direct negotiations conducted between Pennsylvania Air and the Chairman and Board of Directors of Cayman Airways.

MR. G. HAIG BODDEN: Mr. President, can the Member tell us who were the beneficial owners of Pennsylvania Air?

MR. PRESIDENT: I think that really does go a long way beyond the original question.

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

NO. 32: Can the Honourable Member say what assets of Cayman Airways Ltd. were sold since January, 1985 and how much was realised?

ANSWER: Sale of assets since January 1985, by Cayman Airways Ltd. were as follows:

Prospect Apartment and furniture	US\$ 78,333
Trillander Aircraft and related spares	US\$175,000
Hawker Sidley 748 Spares	US\$ 56,000

Surplus Radio Equipment
Motor Vehicles

US\$ 1,800
US\$ 5,062

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could say whether all of these were on a cash basis?

HON. W. NORMAN BODDEN: Yes, Mr. President, to the best of my knowledge the company was paid cash directly for these sales.

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

MR. G. HAIG BODDEN: Mr. President, can the Member say if it is correct that the amount realised from the sale of the Trilander and its related spares was substantially below the true market value at the time of the sale?

HON. W. NORMAN BODDEN: No, Mr. President, the revenue derived from the sale of the Trilander aircraft and related spares as far as the company was concerned showed a small profit, I think of three or four thousand dollars.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: Yes, Mr. President, I have a supplementary. I wonder if the Member could state whether in his opinion these assets were unnecessary assets?

HON. W. NORMAN BODDEN: At the time they were sold, Mr. President, I would say some of them were unnecessary. For example, the Hawker Sidley 748 spares, that aircraft returned to the United Kingdom sometime ago and there was no more need for the spares. Of course, the company had a very difficult time trying to dispose of those spares. Other than that I can only say that whatever assets are mentioned here I guess was considered necessary at the time. At the time they were sold they were unnecessary.

MR. PRESIDENT: No further supplementaries it seems?
Question number 33, the Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: I may explain that when I inquire about the revenue from the Civil Aviation, this would also include the Cayman Islands Corporation, which functioned before or during part of the period that the question is asked.

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

NO. 33: Can the Honourable Member say what was the total revenue to Government from the Civil Aviation Authority, including apron fees, car park fees, hanger fees, rental of premises, travel tax, landing fees and registration of aircraft, during 1984 to 1988?

ANSWER: Mr. President, in giving the reply I might explain also that the answer deals with the Civil Aviation Authority since it came into being on June, 1987 and the reply covers the period from June, 1987, to July 1988.

However, I also have the total revenue earned by the Cayman Islands Corporation for 1984, 1985 and 1986 which I am able to give but I would have to add that on because it was not included in the answer, so it can come out in the supplementaries.

It should be noted that the Civil Aviation Authority only came into being on 1st June, 1987. The income stated below has therefore been collected by the Civil Aviation Authority during the period from the 1st of June, 1987 to the 31st of July, 1988:

Travel Tax	CI\$1,626,476
Security Tax	276,566
Landing & Parking Fees	1,325,429
Navigational Fees	26,685
Rentals	537,453
Fuel Concession	146,108
Permits and Licences	20,685
Car Park Fees	135,451
Taxi Fees	23,132
Aircraft Registration	133,634
Total	CI\$4,251,619

If I might be permitted to add to that, the Cayman Islands Corporation's collections in the year:

1984,	CI\$1,124,524
1985,	1,624,500
1986,	2,540,168

MR. PRESIDENT: If there are no supplementaries we move to question 34, the Second Election 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. 34: Can the Honourable Member say how many charters have been arranged for Cayman Airways Ltd's aircraft for the 1988 winter season, and how do the numbers compare with the

years 1984, 1985, 1986 and 1987?

ANSWER: Twenty-six charters are currently being negotiated by Cayman Airways Ltd. for the 1988/1989 winter season. Charters flown in previous years are as follows:-

1984/1985 Winter Season	29
1985/1986 Winter Season	47
1986/1987 Winter Season	133
1987/1988 Winter Season	68

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

MR. G. HAIG BODDEN: Mr. President, I would like to ask the Member if the Airline is going out of the charter business?

MR. W. NORMAN BODDEN: No, Mr. President, we are very much in it, based on demand.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, could the Member state whether some of the charter destinations for 1986/1987, 1985/1986 seasons have, in fact, been turned into scheduled flight destinations?

MR. W. NORMAN BODDEN: That is correct, Mr. President, some of them have. I might say that in the 1988/1989 winter season there is a substantial increase in the scheduled services which Cayman Airways will be providing to Miami, Houston, Tampa and Atlanta which will offset or offer additional seats that would, perhaps, normally be taken up by charters.

MR. PRESIDENT: Question Number 35 please. The Second Elected Member for Bodden Town.

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

NO. 35: Can the Honourable Member say why the playfield on the land adjacent to the Civic Centre in Bodden Town has not been completed?

ANSWER: With the initial development of the Bodden Town Civic Centre project, the architectural sketches prepared in September, 1982 and January, 1984 included line drawings for a playfield and hardcourts. However, no funds were budgeted for this development at that time. Meanwhile, the sporting enthusiasts of the district continued to use the playing field attached to the Bodden Town Primary School.

In 1987, C\$40,000 was provided in the estimates for work on the Civic Centre field. These funds were used to construct two hardcourts adjacent to the Civic Centre. No other funds have been allocated for the development of the proposed field.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

MR. G. HAIG BODDEN: Mr. President, may I ask if this is in keeping with the present Government's policy of not having any Capital Expenditure in Bodden Town over the period 1984 to 1988?

HON. BENSON O. EBANKS: Mr. President, I would say that it is in keeping with the level of interest shown by the representatives of the district.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member why he did not spend the money that was specifically budgeted, according to his answer, for work on the playfield?

HON. BENSON O. EBANKS: The hardcourts are a integral component of the playing field, Mr. President. In fact, that is all that could be done with the money that was voted. My understanding is that the playfield to be constructed would cost between \$250,000 and \$300,000.

MR. G. HAIG BODDEN: And finally I would ask him if votes in Finance Committee are counted by interest or by the number of Members present?

MR. PRESIDENT: I do not think that that is a question which is relevant or proper.

MR. W. McKEEVA BUSH: Mr. President, I wonder whether the Honourable Member could say whether the Second Elected Member for Bodden Town was even at those Finance Committee's meetings?

MR. PRESIDENT: That is not a matter that is relevant either, let us go on to question No. 36.

MR. G. HAIG BODDEN: If you would permit....

MR. PRESIDENT: ...A supplementary certainly.

MR. G. HAIG BODDEN: ...I think I was the person that moved the Motion for the spending of the \$40,000 which the Member sat on afterwards.

MR. PRESIDENT: I am sorry, we shall leave it there. This is not rising from the question.

HON. BENSON O. EBANKS: Except, Mr. President, the money was not sat on. Most of it was expended on the hardcourt.

MR. PRESIDENT: I think all parties have made themselves clear. Perhaps we should now move on to No. 36, the First Elected Member for the Lesser Islands.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 36: Would the Honourable Member say:-

- (a) Whether Cayman Airways Ltd. is replacing the Shorts 330 aircraft, and, if the answer is in the affirmative, when; and
- (b) Whether there are any plans to service the Cayman Brac/Little Cayman route with the smaller aircraft?

MR. PRESIDENT: I am sorry if I could interrupt you. I have let the time go over, we have to move a suspension.

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

HON. THOMAS C. JEFFERSON: Mr. President, by using Standing Order 83 I move the suspension of Standing Order 23(7) to allow the questions to continue and to be answered.

QUESTION PUT: AGREED. THAT STANDING ORDER 23(7) AND (8) BE SUSPENDED TO ENABLE ALL QUESTION SET DOWN ON THE ORDER PAPER TO BE TAKEN.

MR. PRESIDENT: The Honourable Second Elected Member to Executive Council.

- ANSWER:**
- (a) No consideration is currently being given to replacing the Shorts 330 aircraft; and
 - (b) A number of alternatives are currently under consideration by Cayman Airways Ltd. in respect of the Cayman Brac/Little Cayman route.

SUPPLEMENTARIES:

CAPT. MABRY KIRKCONNELL: A supplementary, Mr. President. I wonder if the Honourable Member could give us any kind of a time-frame on this Cayman Brac/Little Cayman service as that is very inoperative as Little Cayman is receiving the worst air service it has in the last 15 years?

HON. W. NORMAN BODDEN: Mr. President, I am not sure about the time span involved which was mentioned by the Member from Cayman Brac, whether it is 15 years or how long, but I certainly concur and agree that the air services to Little Cayman is badly in need of improvement. This is a matter that is not being ignored.

I believe, based on discussions held with the airline and being aware of the plans of trying to improve the service, that improvement should come about probably before the next 1988/1989 winter season. I would say at least by December 1st.

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

MR. G. HAIG BODDEN: Mr. President, may I ask the Honourable Member if one of the alternatives is the establishment of a boat service between Little Cayman and Cayman Brac?

HON. W. NORMAN BODDEN: No Mr. President. Even though, to be quite honest, that suggestion has come from time to time from various members of the public this is not being considered by the airline because we are in the air service, we are not in the sea service. What is being considered is a possibility of a subservice franchise by a smaller company with smaller equipment that would be more suitable to Little Cayman.

MR. G. HAIG BODDEN: Mr. President, can I ask the Honourable Member if he is aware that sometime ago there was an announcement in the paper that a boat service would be put in between Cayman Brac and Little Cayman?

MR. PRESIDENT: I do think that goes beyond the original question. If there are no other supplementaries, Question Number 37 please, the First Elected Member for the Lesser Islands.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 37: In view of the discontinuation of Cayman Airways Ltd's (CAL) jet night flights to Gerrard Smith Airport, Cayman Brac, can the Honourable Member say what safety factors and/or plans are being considered to meet CAL's safety requirements for these night flights?

ANSWER: The Civil Aviation Authority, together with the Public Works Department, are investigating the possibility of installing approach reference lights in the sea at the West End of the runway to improve visual reference by pilots on night flights. It is anticipated that they should be in place before the 1988/1989 winter season begins.

SUPPLEMENTARIES

MR. PRESIDENT: Supplementaries.

CAPT. MABRY S. KIRKCONNELL: Supplementary, Mr. President. Is the Honourable Member saying that once this is in place, the airport will be accepted by Cayman Airways for night jet flights?

HON. W. NORMAN BODDEN: Mr. President, this project that I have mentioned is the result of discussions held between the Director of Flight Operations for Cayman Airways and our Director of Civil Aviation. Two proposals for improvements were put forward by the airline. One of them was the extension of the airstrip by

1,000 feet and the second one was the installation of these reference lights. Very definitely, as we all know, the airstrip cannot be extended by a 1,000 feet before December 1st or 15th of this year. We discussed the second option of the installation of reference lights and it is my opinion, based on advice from the DCA, that with this installation Cayman Airways will review its position and most likely reinstate a minimum of night flights to Cayman Brac.

CAPT. MABRY S. KIRKCONNELL: A supplementary, Mr. President. Would the Honourable Member recommend to Cayman Airways when this is done that in view of the inadequacy of the Shorts that additional jet flights, including night flights, be established into Cayman Brac?

HON. W. NORMAN BODDEN: Mr. President, the increase of jet flights to Cayman Brac is something that is planned in the company's projections for the winter season. I could say that the maximum number of flights by the jet, I think, which has been varied from four, five or six, I imagine those number of flights will continue. This will be an increase during the winter season only because that is naturally based on traffic demand.

I am aware of the claimed inadequacy of the Shorts aircraft as to the operation into Cayman Brac. I feel that it is an aircraft, if the maintenance problems can be eliminated, that can continue to render a good service to Cayman Brac in between the jet flights or on days when the jet does not operate there.

I would not be able to state a specific number of jet flight that would be operated. I can only say that the company would examine the needs based on traffic demand and improve the service accordingly.

MR. PRESIDENT: Question number 38, please. The First Elected Member for the Lesser Islands.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 38: Will the Honourable Member say what, if any, improvements in air service are planned for the Lesser Islands?

ANSWER: Cayman Airways Limited and the Civil Aviation Authority are presently working together in an attempt to improve the physical condition of both airports in the Lesser Islands, which, if implemented, should result in an improvement to air services.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

CAPT. MABRY S. KIRKCONNELL: Mr. President, I would just like to say and ask the Honourable Member if he would continue to give us the support that he has during his four years in office in improving the air service to Cayman Brac and to express the appreciation of the people for the effort and the time he has taken to come and explain the situation to the people of Cayman Brac and Little Cayman.

HON. W. NORMAN BODDEN: Mr. President, I would like to assure the First Elected Member from Cayman Brac that Government is mindful of the need to improve air services to the Lesser Islands, especially service to Little Cayman. We fully recognise this need and we have met on several occasions with the Cayman Brac and Little Cayman Hotel and Tourism Association to discuss the need for improved air services.

The matter is under constant review and we are working with the airline to improve, to the extent possible, air services to the Lesser Islands which, I must say, form a very important part of our tourism industry, and also to establish to provide a service to which all the residents of Cayman Brac and Little Cayman rightfully deserve. I can assure the Member and this House that the need is not being ignored.

GOVERNMENT BUSINESS

BILLS

THIRD READING

MR. PRESIDENT: I think we might try to do the Third Readings before we take tea. Item 4 Government Business - Bills Third Reading.

THE NOTARIES PUBLIC (AMENDMENT) BILL, 1988

CLERK: The Notaries Public (Amendment) Bill, 1988.

HON. RICHARD W. GROUND: Mr. President, I beg to move that a Bill for a Law shortly entitled the Notaries Public (Amendment) Law, 1988 be given a Third Reading and passed.

QUESTION PUT: AGREED. THE NOTARIES PUBLIC (AMENDMENT) BILL, 1988 GIVEN A THIRD READING AND PASSED BY MAJORITY.

THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS) (AMENDMENT) BILL, 1988.

CLERK: The Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1988.

HON. THOMAS C. JEFFERSON: I move that a Bill shortly entitled the Merchant Shipping (Applicable Conventions) (Amendment) Bill, 1988 be given a Third Reading and passed.

QUESTION PUT: AGREED. THE MERCHANT SHIPPING (APPLICABLE CONVENTIONS) (AMENDMENT) BILL, 1988 GIVEN A THIRD READING AND PASSED.

THE TOURISM (AMENDMENT) BILL, 1988.

CLERK: The Tourism (Amendment) Bill, 1988.

HON. W. NORMAN BODDEN: Mr. President, I move that a Bill shortly entitled a Bill for a Law to amend the Tourism Law, 1974 be given a Third Reading and passed.

QUESTION PUT: AYES AND NOES.

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

**DIVISION
NO. 17/88**

AYES: 13 NOES: 1

- | | |
|--------------------------------|--------------------|
| Hon. Thomas C. Jefferson | Mr. G. Haig Bodden |
| 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 | |
| Mrs. Daphne L. Orrett | |
| Mr. Linford A. Pierson | |
| Capt. Mabry S. Kirkconnell | |
| Mr. D. Ezzard Miller | |
| Mr. John B. McLean | |

MR. PRESIDENT: The Bill passes its Third Reading.

AGREED BY MAJORITY: THE TOURISM (AMENDMENT) BILL, 1988 GIVEN A THIRD READING AND PASSED.

THE STATISTICS (AMENDMENT) BILL, 1988

CLERK: The Statistics (Amendment) Bill, 1988.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill shortly entitled the Statistics (Amendment) Bill, 1988 be given a Third Reading and passed.

QUESTION PUT: AGREED. THE STATISTICS (AMENDMENT) BILL, 1988 GIVEN A THIRD READING AND PASSED.

THE CUSTOMS (AMENDMENT) BILL, 1988

CLERK: The Customs (Amendment) Bill, 1988.

HON. THOMAS C. JEFFERSON: I move that a Bill shortly entitled the Customs (Amendment) Bill, 1988 be given a Third Reading and passed.

QUESTION PUT: AGREED. THE CUSTOMS (AMENDMENT) BILL, 1988 GIVEN A THIRD READING AND PASSED.

THE COMPANIES (AMENDMENT) BILL, 1988

CLERK: The Companies (Amendment) Bill, 1988.

HON. THOMAS C. JEFFERSON: I move That a Bill shortly entitled the Companies (Amendment) Bill, 1988 be given a Third Reading and passed.

QUESTION PUT: AGREED. THE COMPANIES (AMENDMENT) BILL, 1988 GIVEN A THIRD READING AND PASSED.

THE ELECTIONS (AMENDMENT) BILL, 1988

CLERK: The Elections (Amendment) Bill, 1988

HON. J. LEMUEL HURLSTON: Mr. President I beg to move that a Bill shortly entitled the Elections (Amendment) Bill, 1988 be given a Third Reading and passed.

QUESTION PUT: AGREED. THE ELECTIONS (AMENDMENT) BILL, 1988 GIVEN A THIRD READING AND PASSED.

MR. PRESIDENT: Proceeding are suspended for 15 minutes.

AT 11:20 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:52 A.M.

MR. PRESIDENT: Proceeding are resumed.
Item 5 on the Order Paper. Continuation of Private Member's Motion No. 8 of 1988, The Elected Member for North Side.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 8/88

Continuation of Debate

MR. D. EZZARD MILLER:

Thank you, Mr. President.

Yesterday on the adjournment I was dealing with why we have a moral obligation and a duty to ensure that Cayman is for Caymanians.

The Motion before us deals with Caymanian Status. It is limiting, and what we see could be an alternative to Caymanian Status, some form of residential status which would be subject to the same checks and balances of work permits. I want to make it absolutely clear that this Motion is not dealing with work permits. The alternate proposed in the second part of the resolve section of this Motion is to deal with the twelve people who are now given Caymanian Status and who meet the eligibility requirements for Caymanian Status. We are in no way suggesting that work permits must be replaced by permanent residential status of any kind whatsoever.

We are proposing that Caymanian Status be given to these twelve eligible people, under the requirements of the Law, be replaced by some form of residential status coupled with the additional stipulation that it is revokable for reasons outlined by the Mover; such as Involvement in crime, involvement in politics etcetera. But since the Motion got side-tracked into the area of work permits, I believe as a Seconder of the Motion I will have to deal with that in a little detail.

Mr. President, a lot of people on the street, a lot of Caymanians and a lot of foreigners are concerned and are complaining that work permits are not being issued and that they are hard to get. Every time a question is asked and answered in this House by the Member responsible we are presented with statistics which show large increases. In most instances, greater increases than any other year in this country.

My position on work permits is a little different from what has been expressed so far. I believe, in many instances, that work permits are too easily and readily obtained.

There are firms in this country where there is not a single Caymanian senior secretary in the firm. We have large organisations in the tourist industry where there are no Caymanians on executive levels. If one checks on the experience and the qualifications of many of these people who are on work permits you will find, for example, that a hotel personnel director has less than a year's experience in hotels. Others, including the time they have spent in Cayman, are getting up to two years and they are keeping out Caymanians who have eight and ten years experience in the hotel industry. I am not talking about people who have eight or ten years experience at the lower levels as maids or bartenders or something else. I am talking about people who have experience in middle and upper management levels.

Mr. President, the people of this country have to face some hard cold facts. We cannot, on the one hand, promote to be advocates of supply and demand, free enterprise, non-governmental control for the economy. On the other hand, some people are advocating that we must have all of these freedoms, but Government must control development. The hard cold fact of life is that whether Government controls development in some form or fashion, or whether there is outright market forces left to play their role, the people of this country have a price to pay.

What this Motion is seeking to do is to reduce that price and to retain the direction, in particular the political direction of this country in the hands of Caymanians. That is what it is all about. But anyway we go, we are going to have that. They cannot say that the Government is not trying to get its handle on what is going on. We had the Five Year Economic Development Plan. It has been proven that it was a bit conservative to what has actually taken place but, at least, the Government has put in black and white and produced a plan to which we can measure.

Others are complaining that information is lacking to them about what is going on. When Government tries to get information, like on the gross domestic product, they bring all of these innuendos about secrecy and everything else. They expect the Government to make the correct decision without having this kind of information available at hand, that it can pass on to members of the public, so that they understand the forces that are worked in our community and predict some of the expectations.

Mr. President, work permits have to continue to be issued and I believe that the thing that is lacking in the work permit situation is again information and some kind of administrative monitoring process. I believe if the Board knew that this company in town had all expatriate secretaries at the senior level and no Caymanians, they would turn down a few secretaries and force them to promote the Caymanians who are actually doing the work. We have to find a mechanism by which the Board can extract that kind of information and monitor the situation, but work permits is a whole separate issue from what we are dealing with here today.

What we are dealing here with today is the limiting of Caymanian Status to people born in the Cayman Islands of at least one Caymanian parent, or born overseas of at least one Caymanian parent; and offering to those other people who meet the stringent requirements as set out in the Law to be granted Caymanian Status, at present under twelve, offer them a kind of residential status coupled with their work permit, which keeps them in their professions in which they have contributed and met the requirements of this country.

What is happening now is that as soon as they get Caymanian Status that requirement is there no longer and then they start getting over ambitious. As the Mover, said they have friends in high places. They have access to things that small Caymanian business men will never get. That is going to become a festering sore in this country. It has to be stopped. Simple. Because we have got one case that I know about right now where the people were giving Status as a grant, an honorary grant by Executive Council, and they have come back retired from their colonial jobs and now they are planting plants and taking away jobs. That kind of thing is going to bring resentment.

I will make it clear that I foresee no possibility, no need and hopefully, no probability of Executive Council ever in the history of this country granting the title Caymanian to anyone. That must fall out with this Motion. Under no circumstances whatsoever, because that goes on to generations to generations to generations.

Mr. President, if we are going to continue the stability in this country which Caymanians nurtured and built, we have to retain the control in the hands of Caymanians. This control must include a certain amount of economic control whether we have to increase the sixty/fifty relationship as now exists in the Law to ninety/ten or whatever.

As the Mover said in moving the Motion, it is not the small businessman in Cayman who has reaped the great benefits from fronting. It has been some of the leading people who really did not need to do it, but it was an opportunity and they seized the opportunity and they have done well.

Mr. President, I believe where the work permit situation is concerned, once we eliminate the threat of them being able to apply for Status, the possibility could exist that the

Board could issue work permits for longer periods, where it can be justified and the need properly documented. I do not believe that this kind of situation in instances where you have International corporations that are transferring people around to increase their experience base. A lot of these people who come in here are unemployed in their own country. It might be no fault of theirs, it might have no reflection on their ability but we have so many other things going for us at this time. Why people and good people want to come to this country, we have to have no fear of eliminating the possibility of them becoming Caymanian. I think we can safely do that in the position that the Cayman Islands are in today.

As I said, work permits, I believe, are another kettle of fish. We have to deal with that when we get to it. That is not the issue today, the issue is Caymanian Status and Cayman for Caymanians. I further believe that if this is made clear to the people when they are given a work permit, there will be no misunderstandings. A lot of the misunderstandings now is that people believe that if they come here, if they are good citizens, they invest in the country, they buy a house, they buy property, they stay here for seven years then they must be granted status. It is not a right. There is nothing in the Law that makes Caymanian Status a right. It is a privilege to be granted at the sole discretion of the Board, so we are not taking away anyone's right.

Mr. President, this is no novel position that the Mover of the Motion, the Second Elected Member from West Bay, and I have dreamed up out in a boat in North Sound. Most developed countries today are taking these kinds of immigration steps. The British did it in 1981. They protected Britain for the British. I agree with that. That was their right. The fact that we are saying that children born in the Cayman Islands of non-Caymanian parents have no right to British Dependent Territory Citizenship, which is what we want Caymanian to be called by virtue of their connections to the Cayman Islands, is taken care of in the British Nationality Act. A child born in Britain of non-British parents is not a British citizen.

The parents or parent of that child has an obligation to see that the child wherever he is born is registered to their nationality. Most countries provide that. The British Nationality Act provides that for British citizens. That is why we are saying that we must include people born overseas, of at least one Caymanian parent, in the definition of Caymanian. Other countries might exclude them, and therefore we have to include them so that they do not become stateless citizens of any country. That is why we extended it that far. Under the present system, children born of Caymanians not in the Cayman Islands, born overseas of Caymanians have to apply for status after being here three years. There is no guarantee that they are going to get it either.

The Mover was even more lenient toward children born here of non-Caymanian parents. He suggested that maybe we could consider children born here of people who have been given the special residential status that they could claim that residence if they so desired, provided they had grown up in the Cayman Islands, they were educated in the Cayman Islands and they had lived amongst us. At age 18 if he wanted to make a rational decision to remain here and work, maybe we could extend the privilege that he could become a permanent resident controlled by a work permit, as his parents were. That is going further than most countries do.

As I said, Mr. President, the issue of Caymanian Status, well after today I believe is going to be no more because I am convinced that in spite of no one wanting to speak yesterday afternoon and the debate almost being closed, they are going to get up and support the Motion. The telephones are ringing, Sir. This is an Election year and Cayman wants to know who is for Caymanians. But, as I said, most important of all, the present provision under the Law where Caymanian Status is given as an honour must go.

The Mover did such a good job in moving this Motion in a very intelligent, balanced way, that he has left very little room for me to support him in. Most of his areas were so adequately covered that he does not need support, suffice it to say, that I agree with what he has said. It would be a waste of the House's time to simply repeat it. We had hoped that we were going to hear from some of the Opposition, or some of the reason for lukewarm support. But, he is quite capable, after three years of he and I moving Motions, to bring up the rear guard.

Mr. President, as I said, we are not dealing with work permits, that must stay. My position is they are too easy to get. We are dealing with Caymanian Status.

Our position is that we want it limited to two things; Caymanian people born in the Cayman Islands or overseas of at least one Caymanian parent. We are prepared to extend the hand of friendship to those people who would normally be eligible for the twelve places per year for Caymanian Status and create a special Residential Status which carries with it all of the controls and obligations of a present work permit.

Mr. President, I have been advocating this for the past three years, and the time is now. The country has seen the dangers expressed by many people. I urge all Members to support this Motion.

Thank you, Sir.

HON. J. LEMUEL HURLSTON:

Mr. President, I rise to make my contribution to Private Member's Motion No. 8/88, on the subject of the Revision of the Caymanian Protection Law, 1984.

There is no doubt that the Cayman Islands represent a small country with a relatively small population of indigenous people. There too is little doubt that if present trends continue, indigenous Caymanians, as presently defined, run the risk of being outnumbered in the not too distant future. There is little doubt that the situation requires consideration as the Motion is asking for. Consideration is merited and consequently, the Motion will be receiving a favourable vote from this side of the House. The Motion asked for consideration to be given in such a way as to limit the acquisition of Caymanian Status among other things and to consider ways of perhaps providing an alternative form of residential Status for non-Caymanians.

Permit me to offer a little joke, one of many contain in a book of Parliamentary jokes. This one was written under the name of a Member of the British Parliament, Malcolm Rifkin, and it deals with this whole question of nationality. The joke reads as follows:

"An English man, a French man and a Russian were discussing the nationality of Adam and Eve.

The Englishman said, "Here is a woman who gives her husband the apple, the only food she has. Only an English woman would behave in such a way".

The French man said, "No, no, you are quite wrong. Here are a man and a woman having lunch, naked in the garden. Only French men could behave in such a way".

"No, no, comrades", said the Russian, "you do not know what you are talking about. Here are two people. They have no clothes to wear, hardly any food to eat and they think they are in paradise, they must be Russians".

Mr. President, one could easily be tempted to add another refrain to that in an attempt to describe what would be the Caymanian connotation to fit that scenario.

Perhaps Caymanians have an over employment situation. Perhaps they have a buoyant economy and perhaps too, we are in paradise. But, it is true that this business of nationality means different things to different people. As the Mover of the Motion rightly pointed out when he read

from the Hansard of the House of Commons, and the United Kingdom Member of Parliament in a speech given there, made the remark that citizenship and the right of the abode have long parted company. That statement holds very true in the Cayman Islands, as it does in Britain and elsewhere in the Commonwealth.

Citizenship now, as has been for some years, can be acquired by birth, by descent, by adoption or by discretionary grant in certain cases. The right of abode in a country is quite separately and quite differently organised these days and is usually governed by distinct and separate pieces of domestic legislation and each country enacting its own Immigration Laws about the rights of abode, the rights to live and the rights to work.

The rights to live, in the case of the Cayman Islands, is governed by the Caymanian Protection Law, 1984 and it consists of persons who are Caymanians, or persons who have acquired Caymanian Status, or persons who have been granted permanent residence. Anyone not fitting either of those categories seeking residence here can only be resident by licence and that licence in Cayman is called a Gainful Occupation Licence and that is a piece of legislation that this Motion arises out of and seeks to address.

The question has been asked, is Cayman now, and will it continue to be in the future, controlled by Caymanians? Or, put another way, are Caymanians in control of their own destiny? The answer to that is that at the moment is very much in the affirmative.

Under the Caymanian Protection Law a Board is established consisting of a Chairman, a Deputy Chairman and nine other suitably qualified Caymanians who are appointed by the Governor, on the advice of Executive Council to serve in their capacities to carry out the provisions, the duties and responsibilities placed on that Board by Legislation.

They are called upon to exercise very important duties, among which include the termination of Caymanian Status in cases of doubt, the granting of Caymanian Status, the termination of Immigration appeals, the grant of Gainful Occupation permits, the grant of Permanent Residence, and the termination of ancillary matters connected with the above.

This body of people are all Caymanian and when appointed are carefully selected so as to represent as far as is possible every electoral constituency in the country. I recite that simply to reaffirm the statement that as far as that is concerned the destiny of that aspect of the Caymanian decision making is definitely now in the hands of Caymanians.

On a more general note, it is also true that, as presently in place, the Cayman Islands (Constitution) Order represents a tightening of eligibility and qualification in such a way that the wishes of Caymanians translated in that document continues to tighten up, towards the point where only those persons holding limited qualifications can now and in the future serve as Elected Member of this Assembly and serve as persons eligible to vote in General Elections. So on that basis also, as far as it is possible, the control of Cayman and its destiny is again vested in Caymanians.

But let me make it abundantly clear that we are more than just Caymanians. As reflected and has been referred to, we are British Dependent Territory citizens. That fact is contained in the British Nationality Act which is not a domestic piece of legislation but an Act of the British Parliament. That Act was formulated in 1981 but, because of the importance of it, it did not come into effect until January, 1983, two years later. Because it is a very complex piece of legislation, it provided a running in period of five years as a precaution to ensure that at the end of that period we would have as little as possible of persons claiming to become 'stateless' as a result of that piece of Legislation.

Five years from January 1983 has just past recently. On the fifth anniversary, January 1988, we have now reached the point where all the parameters as envisaged in that Act are now firmly in place. That Act provides for three broad categories of citizenship. First there are British citizens, second there are British Overseas citizens and thirdly, there are British Dependent Territory citizens. Of course, we fall into that latter category.

What that means is, as I understand it, that if a person who qualifies as a British Dependent Territory citizen, and all Caymanians qualifies for that, that entitles us to possess and obtain a British Dependent Territory passport. We all know that a passport nowadays is nothing more than a document that facilitates travel. So let there be no misunderstanding about the difference between citizenship and the right to possess a passport on the one hand, and the right of residence aboard and the right to work in the Cayman Islands on the other hand.

We have heard that some of the present provisions in the Cayman Protection Law such as, for example, the sections dealing with eligible persons are inadequate and inappropriate to current needs. Honourable Members will recall the lengthy debates that took place when that legislation was passing through its Second Reading in 1984. I think that matter was fairly well thrashed out at that time. It is quite easy to come to the conclusion that something is wrong and that something should be done about it. I would just ask you to permit me to share one other joke with you. That is a joke from the same book of Parliamentary jokes, this one reads and I quote:

"A Bishop was struggling through a Series Three Service with a microphone which seemed not to be working. He turned to the Dean who was beside him and tapping the microphone he whispered to the Dean, there is something wrong with this thing. Back came the instance response of the large congregation, quote, 'and also with you.'" end of quote.

There are many things that one can identify something wrong with. Often times, what is wrong is what we are not looking for. What seems to be wrong is the misunderstanding associated with the genuine role and responsibilities of the Caymanian Protection Board as it relates to Immigration matters. What is wrong is that there is a public perception that Immigration matters can be readily resolved and put to rest by simply making a telephone complaint or making an informal inquiry about a matter.

We have heard suggestions of alternatives of how the current inequities might be overcome and resolved. This Motion call for consideration being given to two specific things. The limiting of the acquisition of Caymanian Status (and we are told that this relates specifically to that section of the Law dealing with the grants of Status) is limited by a quota of twelve.

Mr. President, I ask the question, is the elimination of the granting under the quota of twelve per annum going to be a significant redress in the broader scope of what this Motion is seeking to address? The quota of twelve each year in a population of 23,000 people is not a lot. If that quota and that particular category of grants were to be eliminated would we really be solving the problem? That is the question?

The second substantive matter that needs to be considered is whether the current provisions in the Law are inadequate as it relates to the provision of residential status for non-Caymanians? The suggestion is that the current provisions relating to permanent residents are not appropriate or suitable and that perhaps yet another form of residential status might be created.

We heard the suggestion, for example, that we might create a form of residence for persons who have been here for 12 years or more, granting them the right of residence coupled with the right to work with the proviso that the right could be taken away on the grounds of interference in marriages, interference in political life, of discrimination against Caymanians or of criminal activity.

Is that going to be the answer for a small community threatened by being outnumbered in a very short number of years ahead? Is the conversion of the problem in those terms going to relieve us of the problem?

It seems to me that we have to examine the problem where it begins. That is that Immigration into the Cayman Islands, at the moment, is controlled in such a way that the onus and obligation is placed on the resident to justify the need for the bringing in of a person from the outside. It is only after that group of eleven Caymanians, sitting as the Caymanian Protection Board, have been satisfied that certain specific conditions have been fulfilled and that needs have been justified. Then and only then can someone be legally admitted to the Cayman Islands. It is only when that group is satisfied that the persons applying for the grant or otherwise the acquisition of Status are, in all respects, suitable and meet the criteria, then and only then are persons admitted permanently to the Cayman Islands.

We have also heard in the past of distinguishing between long term immigration and short term immigration as a means of regulating the balance and the needs of the community. This present Government took steps a year ago, August 1987, of putting in place a comprehensive set of policies issued in the form of a directive to the Caymanian Protection Board that was primarily aimed at doing precisely that. That is limiting and vigorously controlling long term immigration while providing for a suitable and an appropriate form of short term labour requirements and labour necessities.

MR. PRESIDENT:

I wonder if I may interrupt you for a moment there?

I am aware that it is not our normal time to suspend but three or four of the Members have a rather important meeting scheduled and this lunch break is the only time that it can be managed. So with the agreement of the House I am going to suspend now for lunch. So could we suspend until say 2:10, would that be all right?

The House is suspended accordingly.

AT 12:37 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:17 P.M.

MR. PRESIDENT:

Proceedings of the House are resumed.

Continuation of the debate on Private Member's Motion number 8/88, the Third Official Member of Executive Council.

HON. J. LEMUEL HURLSTON:

Mr. President, I had been lastly speaking about the distinction between long term immigration and short term immigration and had made reference to the introduction in August of 1987 of a new set of policies aimed at ensuring that short term demands for labour could be accommodated within certain parameters while safeguarding the position for long term immigration and ensuring that the two were not incompatible with each other. At that same time we took the opportunity of introducing a geographical spread or distribution for immigration and that was seen and is seen as a desirable balance and mixture to promote and encourage. This basically represents the philosophy behind the policy. The policies, while written in the form of directives issued to the Board, are by no means carved in stone and are kept under regular review.

There are provisions already in existence in the Caymanian Protection Law and Directives that enable the granting of permanent residence coupled with permission to work. Those Directives were amplified in 1985 to expressly permit persons who had been resident here for at least five years and who fulfill other certain criteria to be granted permanent residence with the right to work. That right to work was coupled with the residency and tied to the specific profession or occupation of the licensee. To create yet another further category of residence coupled with permission to work is therefore a duplication of a provision that already exists, as far as I can determine.

I had also, Sir, made reference to the misplaced perceptions held in the minds of some members of the public that indeed the Caymanian Protection Board and the Immigration Department is the keeper of all public morals of the country. And that everyone expects those agencies to respond to every domestic quarrel and to every dissatisfied applicant. In that connection I would like to share my final Parliamentary joke this afternoon by reading a joke written by the Chairman of the British Post Office. The joke reads as follows:

"The Post Office undoubtedly performs many social roles, but seldom does it ever go as far as it did in a large sorting office a few days ago where a letter was received addressed to God in Heaven.

Having sorted all the other letters the postmen in the office gathered around in a group and one of them open the letter. Inside was a conventional note with the writers home address in the top right hand corner including the postal code. The postman read it out to his colleagues. It read: 'Dear God, I am in desperate trouble and I need 30 pounds to get out of it. If you can let me have 30 pounds I promise to become a better Christian, to pray every night and to go to church every Sunday.'

The staff in their usual warm hearted way had a collection and raised 12 pounds. They turned the money into notes, put them in an envelope addressed it to the man and posted it again with a first class stamp.

The following night at the same sorting office the same staff saw another letter addressed to God in Heaven. Once again having done their job, they gathered round, the letter was opened and read to the group. It said: 'Dear God, thank you very much for the 12 pounds you sent me. I did ask for 30 pounds. I need 30 pounds. I have no doubt that you sent 30 pounds and that those thieving so and so's in the Post Office took the rest.'

Many of the complaints and allegations that I have heard leveled against the Cayman Protection Board, those so and sos would not grant my work permit, or those so and sos would not grant the renewal of my work permit. Often times it is the reverse that is taking place and, indeed, as the Seconder of the Motion correctly, in my view, pointed out. Sometimes and in certain instances it is possible that Gainful Occupation Licences and other similar matters are attended to with such generosity that people misunderstand the true role and the sometimes obvious disappointment that must result when negative decisions have to be handed down.

Now I know that cases can always be cited and references made as being special or unique. But I am of the view that special cases make bad arguments and that one should not cite a special case in support of a general argument. A special case should only be treated as such, special and not general.

I am also of the view that justice in any community should be left to the Courts to determine and too often persons run to the Immigration Department and run to the Caymanian Protection Board with a view to obtaining what they perceive to be as justice. These agencies, I submit, are not placed to administer justice and anyone who expects to get justice should really be going through the Courts.

Therefore, in summary the position is that consideration will be

given to revising the Caymanian Protection Law, in the ways called for by the Motion, with the understanding that if upon revision and upon consideration it is found that there are more efficient alternatives than the ones proposed in the Motion, then those additional alternatives will have to be looked at as well.

As I said in the beginning one cannot argue with the growth patterns and with the statistics. We heard about the 'Immigration Outpacing Projections', the headlines in yesterday's paper and it should surprise no one. We have analysed these projections for some time. We have talked about it in these Chambers that the current rate of growth is about doubling our work force of non-Caymanians every three years.

This is not because we go out and open the door to immigration but because Caymanian businesses go out and advertise and seek to recruit quality people to come here to do specific jobs for which permits are required.

I would not like to leave the impression that I or anyone else would ever dare discourage the expression of anxiety, fear or concern about this problem as, indeed, anxieties are relevant. I share some of them personally. But the matter must be intelligently analysed and looked at fairly and squarely without any form of preconceived bias, without pointing fingers and trying to attach blame to any particular individual or group of individuals because it is a national issue that has to be put in true perspective and not made mockery of in any way.

I have shared a few jokes, I hope they will be accepted in that spirit. I have made my contribution. I have not filled it up with statistics simply because the statistics in this case, I think, become more relevant when we get into the stage of actually giving consideration to the matter.

With those few words, Sir, I will resume my seat.

MR. PRESIDENT:
Mover to exercise his right of reply.

Does any other Member wish to speak? (pause) I call on the

MR. W. McKEEVA BUSH:
pass. We have heard from, what you would call, Government Backbenchers in this House and whether the Third Official Member is speaking for the entire Government or whether he gave us his own personal ideas, and coupled with that his jokes, is another matter.

Mr. President, it would seem that the resolution is going to pass. We have heard from, what you would call, Government Backbenchers in this House and whether the Third Official Member is speaking for the entire Government or whether he gave us his own personal ideas, and coupled with that his jokes, is another matter.

Immigration situation, that at least the Member for Bodden Town would have put forward his views on the floor of the House.

I would have hoped, because of the seriousness of the

MR. G. HAIG BODDEN:

This is your problem.

MR. W. McKEEVA BUSH:
and I will come to deal with his remarks. I do not know why he keeps interjecting when he had full opportunity to rise and debate this resolution. I do not understand what the Member is afraid of. I understand that the Voters Registration List for the constituency of Bodden Town has at least something in the region of 40 per cent of a foreign vote. So I can quite understand why the Member has kept quiet in the House and has not given his views to be placed on record in the Hansard of the House and to the full and entire country. I believe that the Member is abrogating his responsibility and I will deal with some points he interjected further on.

Mr. President, I dare say it is a problem of the whole country and I will come to deal with his remarks. I do not know why he keeps interjecting when he had full opportunity to rise and debate this resolution. I do not understand what the Member is afraid of. I understand that the Voters Registration List for the constituency of Bodden Town has at least something in the region of 40 per cent of a foreign vote. So I can quite understand why the Member has kept quiet in the House and has not given his views to be placed on record in the Hansard of the House and to the full and entire country. I believe that the Member is abrogating his responsibility and I will deal with some points he interjected further on.

Members and, of course, their wise input. In reply to points made by Members I will remember that this is a democracy and opinions are perfectly Constitutional.

Mr. President, having said that I welcome the support from all

position to move it at this stage for the sake of clarity because what you do not hear on the floor of this House you hear in the Coffee Room and then thus you will hear it on a political platform. To repeat what I said is that there are too many would-be politicians and too many incumbents of this House who run to the foreigner and say Government is against you and then they run to the Caymanian and say Government is not for you.

I said in moving this Resolution the reasons why we took the

our people today, on the floor of this House is the right move as far as I am concerned, because in an election time people would be able to judge for themselves. There can be no sometimes yes and sometimes no in this position. There is only one route to take and that is to take the position that our Caymanian people want us to take. They are still in the majority.

To put this Resolution, which is of paramount importance to

to limit Caymanian Status, not stop status completely. Well, that is no different than what we are saying. However, we set out proposals as to who will get the citizenship, as to how they will get the citizenship and as to when they will get the citizenship. That is the difference, and this is what the majority of Caymanians are concerned about.

One Member made the point that he was supporting a Motion

have said that Status, with all its grand privileges, must cease to exist with the exception of their children, grandchildren, and their spouses. My understanding, from what the people are saying, is that they are prepared to go no further and I think as Legislatures we ought to do what is best for Caymanians and I mean the majority of Caymanians; not a ruling class; not a merchant class; not a few friends; but the majority of Caymanians.

I went through that in detail. The vast majority of Caymanians

future. There can be no sometimes yes and sometimes no. There is only that middle ground. I am still trying to figure all the reasons why it is that some people believe that they have a right to Status, even with all the evidence that Caymanians would be outnumbered in a short three years.

We will do what is best for them and what will affect their

elements. All these years we have lived in harmony. We wish to continue to live in peace and harmony, but we see us as being outnumbered not just by numbers but also by benefits that accrue in some shape or form. So they say: 'We want a change in the Immigration rules', or else they say: 'if that does not happen they see social dissatisfaction.' And all of us that are not blind and do not choose to be blind can see it. Everyone, so far, has agreed that some sort of residence is all that is necessary, that is permanent residence with a work permit of some sorts.

I understand our people to be saying we accept foreign

Constitution, which was mentioned, are what the Caymanians want. They are not the sole protection that Caymanians want. They are good provisions, but they are not the sole protection that Caymanians want. As it stands, the expatriate have a chance of still getting into this House when it comes to the political aspect. And if we continue to grant Status as it is now, he would not need to be here the fifteen years that that provision talks about to sit in this House, he could qualify after the required period of seven years. This is one of the areas that Caymanians do not want. So that point, as far as I am concerned, is irrelevant and certainly does not apply to what we are talking about.

Mr. President, I do not believe that the recent provisions in the

thought I had given a very clear and fair position of that area of discontent. For the sake of clarity, I will repeat it. The children born here, in my opinion, of expatriate parents would qualify for some sort of residency, if they stayed here in these Islands. But it has to have its qualifications. Should we grant citizenship at birth after which the parents and the child leave here, then 30 years later that same child comes back and he says, I am a Caymanian. I do not need a work permit and can do as I please. I wonder if Members realise what kind of problems that would create? Our situation under that kind of provision would be no

On the question of the child born here of expatriate parents, I

different if we continue to grant full status, the current position.

Mr. President, from one set of statistics from the Immigration Department we see that up to 1984 there were 252 people who had been granted status and these people had 175 dependents. That is not including all the other areas. That is dealing with the grant. These are, as I said, rough figures because I could not get total figures. It is evidence enough to say to me that there are problems and that type of situation is not what we desire. To continue on this route would only compound our problems in the future.

If we only consider today's position and do not consider the future we are doing no good for this country. But more than that is the fact that there is a situation here where foreign pregnant women with no connections to this country have been coming here to deliver at our hospital and they do not even pay their bills. We have been writing off those sort of bills and quite a large sum, too. Look at the kind of situation that creates. Those children who, as I said, were born here could claim a right of citizenship later on, 20 years from now. Just use our imagination to think what type of situation that could create. That type of situation is most unreasonable and unfair to these Islands and not a position that enhances our future.

The same problem, I read about it, existed in the Bahamas with the Haitians. The Bahamian Government had to move to take steps to stop it and I am advocating those same steps. But I am not proposing to leave anybody or any child stateless. We say give them the residence if they are born in this country and if they are educated here, have grown up here, come to know what Cayman is all about and express a will to stay and live here all the time. But a time factor would have to be put in place. That is no different than what obtains in most Commonwealth countries. It is no different than what obtains in the United Kingdom.

There is no use for any of us to say look at America, we should really look. We cannot compare big America with small Cayman. I stand by the points I raised in my introduction, knowing quite well that what I am advocating, as far as children born here of expatriate parents is concerned, is fair to our Cayman Islands and most generous and fair to the child.

Mr. President, I still do not know what to make of the Third Official Member's presentation to the Resolution. As I said we live in a democracy and everybody has their right to speak. Perhaps I will get together with him and he can explain to me in detail what he meant.

Mr. President, we realise that the grant of Status is limited to 12 people. That is all the Caymanian Protection Law speaks of, 12 people plus dependents. But that is still a significant amount. I believe that the Resolution will not only offer the solution but it can convert our whole problem into something that is satisfactory to Caymanians. I am sorry that the Member did not have any solutions to offer.

I would state, quite clearly, that it is not a joking matter. I know there is plenty of room for argument when it comes to immigration matters. It is just one of those cases and the Member said it in the Compass yesterday. It is a matter left with the political directorate and so he can afford to do and say the kind of debate he gave.

Mr. President, I did not deal with work permits in any detail, no more than referring to what category would get the work permit, because I knew that other Members would deal with that in a very robust, let us say, manner. The Second Member for George Town made a lot of good points about the work permit situation. It is not everything that I agree with and the statistics are very plain for all of us.

As of June we had 5,411 persons on work permits and of those 5,411 people we had 1,355 professionals, 2,269 skilled people, 1,787 semi-skilled people, 1,787 unskilled people. Of those, 824 came from the United Kingdom, 1,106 came from the United States, 436 came from Canada, 1,956 came from Jamaica, 252 came from Honduras, 95 came from Nicaragua and the rest of the world 742. Mr. President, that is a lot of work permits....

MR. PRESIDENT:

On the figures, I was noting them down as you went along. The first set of figures you gave do not seem to add up. You said 1787 semi-skilled, and I think 1787 unskilled. I think there must be a difference there, or the figures or they add up to too many.

MR. W. McKEEVA BUSH:

are the figure I received from...

Could be, Mr. President, maybe I made a mistake but these

MR. PRESIDENT:

speech.

I am not in any sense criticising you, I am just following your

MR. W. McKEEVA BUSH:

Well, Mr. President, maybe there is a mistake in the numbers, but no one can deny that there are still not a lot of permits. I want the Members of this House to know that Members of this House are not privileged when it comes to work permits.

I have had my problems as a small businessman. I needed a professional and I found one who had been here a year on agreement that he had a year. I tried to employ him, I applied and the Board wrote me and told me no. So I lived with it. There are not any special favours granted to anyone here in this House.

Mr. President, we have to look at this whole question of work permits in conjunction with what is being said and put across as the cure as far as this work permit situation is concerned. I am being told in West Bay, by the opposition candidates there who are very confused and inconsistent, that we should give more permits and stop development. They are saying that we need to bring in more Jamaicans. How can we stop development and bring in more people to work? No wonder the Member from Bodden Town would not speak on this Resolution.

What happens if the economy is slowed down as they claim should be done then they give all the permits that they say everybody should have? Who will suffer then? Which Caymanians are going to benefit?

I did not agree with all the Directives. I have to wonder sometimes because you hear certain people complaining about the Protection Board and you look, you go on their work site and you see twelve and fifteen foreign labourers. They have to also stop and consider what we can solve. They try to throw it back on the Government by saying: 'well the Government is in charge and they can slow down the economy'. Those people must get their head straight. They must be consistent.

The Resolution is a good Resolution. It is something that we have been advocating for a long time. Today we test the people, not only Members of the House but all those that are vying for the seats here. Now they must decide where they want to go as far as the immigration matters are concerned. There can be no mistake now where the Government is headed. I am looking forward to steps being taken in the interim period until such time that a full Bill revision can come before the Legislative Assembly.

One Member said that Victorian emotionalism is no longer applicable. I would agree with that. That reasoning is the order of the day. This is true. But we had better know too that there is a young generation growing up in this land who are impatient of the old foggy thinking. No man can stand up in 1988 and tell you he does not know how nations secure their birth right. No one can plead ignorance. What man may not have known ten years ago is now the common currency of teenage dialogue in this modern world which is Cayman today.

Mr. President, a good lesson for us is the Fiji Islands. I remember reading something about it. Their flood gates were opened from a close nearby country, they thought everything would be fine and look at the end result. I am sure if you went there and you talked to those people they were trying to satisfy every businessman and every person that they could satisfy. But look at the end result and the

chaos. Was it not their Constitution that was revoked?

Social unrest can wreck a country. When the indigenous people feel, it might not even have to be bare fact, but when a group of people feel that they are being taken advantage of they will, perhaps, react. What are we going to say then? What are we going to do then? A country secures its birth right by keeping a safe balance, by not allowing itself to be overrun and by keeping the proportion of expatriates to its indigenous population at a low percentage. Any time this country do otherwise our birth right will not be secured. Our children's future will not be safe.

This Motion is designed to ensure a healthy social, political and economic climate for Caymanians. If a healthy climate is continually provided for Caymanians it will follow, it must follow, that others, these non-Caymanians, will benefit as well and will continue to find Cayman a good place in which to reside.

I too, Mr. President, will close with one reminder to this House and that is, the Member from North Side raised it, that Executive Council too must not have that privilege of granting to a special few. We saw, with the previous Executive Council, people granted Status that did not live here. Mr. President, it is not good for this country. We saw them granting Status to someone who is today here taking business from a lot of small businessmen in my business. That cannot continue.

I believe that we have given sound and reasonable debate and logical proposals to what we believe is some of the problem. We trust and pray that in the final analysis the forthcoming Bill will do what is necessary, will do what Caymanians want, will protect Caymanians and will secure our birth right.

I pose the question to Members in this House, do you want a Bill where nonsense will prevail, damaging concessions made and an end result where damaging legislation was put on the books? No, we need to stand firm for common sense.

Mr. President, I believe to all those that the cry about this Resolution, on the outside of this House, I will say to them: 'the heights by great men reached and kept were not obtained by sudden flight, but they while their companion slept were toiling upward in the night'.

We here have been trying to do what is right by our Cayman Islands and all those that will criticise should put down their pencil of criticism and join in this onward march to secure a safe and sound Cayman Islands for our future generations. I trust, Mr. President, this Resolution will be passed unanimously.

MR. PRESIDENT:

I shall now put the question on Private Member's Motion No. 8 of 1988.

QUESTION PUT: AYES & NOES

MR. W. MCKEEVA BUSH:

Mr. President, could we have a Division?

MR. PRESIDENT:

Yes, Clerk.

DIVISION
NO. 18/88

AYES: 14

NOES: 0

- 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. Plerson
- Capt. Mabry S. Kirkconnell
- Mr. G. Halg Bodden
- Mr. D. Ezzard Miller
- Mr. John B. McLean

PRIVATE MEMBER'S MOTION NO. 8/88 PASSED UNANIMOUSLY.

MR. PRESIDENT:

The Second Elected Member for West Bay please.

Moving on to the next Private Member's Motion, No. 9/88.

PRIVATE MEMBERS MOTION NO. 9/88
SOCIAL, HISTORICAL AND CULTURAL AWARENESS

MR. W. MCKEEVA BUSH:

standing in my name, which reads as follows:

Mr. President, I beg to move Private Member's No. 9/88

"WHEREAS there is a need to further the social, historical, educational, and cultural awareness and advancement in the Cayman Islands;

BE IT RESOLVED that Government:

- (1) agree that persons awarded the Queen's Badge and Certificate of Honour may properly indicate that honour in writing after their name;
- (2) commission and publish a full and proper documentation of the history of the Cayman Islands;
- (3) provide a more comprehensive syllabus on the history of the Cayman Islands in all schools; and
- (4) create a special scholarship to be known as the Cayman Scholarship, to be wholly funded by Government and for all distinguished recipients to be known as 'Cayman Scholars'.

MR. D. EZZARD MILLER:

Mr. President, I beg to second the Motion.

MR. PRESIDENT:

and seconded. I invite the Mover to speak to it.

Private Member's Motion No. 9 of 1988 has been duly moved

MR. W. MCKEEVA BUSH:

Mr. President, I am pleased, once more, to be Moving such a Resolution to deal with the awareness of our local social advancement and what can be done for social advancement.

The truth is that the country is at one of those periods that occurs in its history, as a country evolves. There is already a building up of what is Caymanian and, I believe, there is a fundamental change taking place in our people, a sort of quiet revolution.

People are singing our National Song more often. Of course, not as often as I would like to hear. People are saying: "Why not teach what is Caymanian?" All of this is good for our young country. As time moves on, moments come in its development when fundamental change and transition becomes inevitable because of the build up of a knowledge of what is historically ours by forces that have been at work in the period proceeding.

I would hope that I would be remembered of as being a part of that force. The Motion, quite simply, asks for four things to be done. First, it deals with the Queen's Badge and Certificate of Honour. This is one of two local national honours. The other one being the National Sports Award and I feel that persons awarded the Badge of Honour in question should properly indicate it in writing after their names. I would hope that something would be used for instance, like 'BH' or something like 'Cert. Hon.' which abbreviations means Certificate of Honour.

This is so that there is a public awareness that that person is the holder of the Queen's Badge and Certificate of Honour. Right now those person are given the Badge of Honour and we do not even know if they had a badge of Honour. However, whatever is decided would be a move to indicate a further understanding that this is Caymanian and we are proudly demonstrating it publicly.

The second request of the Resolution is that a full and proper documentation of our history be commissioned. There have been two attempts at this and we have something in writing today. For instance, there are the notes of Mr. Hurst and there is a lot of information in his book. But, that is old and with much respect, it falls far short of a proper documentation of our history. Mr. Hurst was very careful in that he says: "this booklet is only a compilations of notes".

There is the book by Neville Williams, who was, at the time of the writing the Deputy Keeper of Public Records in Great Britain. A section of the preface tells us how and why this book came about. I will read the first paragraph which, I believe, substantiates my case for proper documenting of our history. Mr. President it says and I quote:

"In the Legislative Assembly of the Cayman Islands in August 1969, Mr. W.W. Conolly proposed that the tercentenary of the Treaty of Madrid of 1670 should be marked by the preparation of the history of the Islands. His Motion was seconded by Miss Annie H. Bodden, and was carried unanimously.

In due course I was commissioned by the Administrator and Executive Council to undertake this work and after considerable preliminary research in London and Jamaica, I visited the Islands during March of this year. The following pages have, as a result, been written to provide Caymanians young and old, visitors and all others interested in the Islands with an account of their development from earliest days.

In the time available it has not been possible to prepare for publication a fuller narrative, otherwise this history would not have appeared until long after the celebrations, even though these have been postponed. I hope, however, that a more detailed work can, in due course, be written that will develop the various themes treated rather summarily in this short book."

As I said that is good background for what I am asking.

MR. PRESIDENT:

for the whole afternoon? Proceedings are suspended for 15 minutes.

Would you care to break there for the afternoon, I mean not

AT 3:15 THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:37

MR. PRESIDENT:

Proceedings are resumed.
The Second Elected Member for West Bay continuing.

MR. W. MCKEEVA BUSH:

provide a more comprehensive syllabus on that history I talked about.

Again, something now is being done through the Department of Education. However, I feel that enough is not known about our history. Therefore, I doubt that there can be comprehensive understanding by our children of it. There is, I understand, quite a bit offered in the Social Studies syllabus which covers history. Anything that could be done would compliment the present work that needs to be undertaken.

So these two requests would go hand in hand. First, to have proper documenting and secondly, after that exercise is completed, it goes into our classrooms so that our children can know where we are coming from. I have always maintained if they can have a better understanding of where we came from then there will be more appreciation of where we are and where we hope to be.

The fourth request is one that I think is most essential in the educational progress of this country. And that is to create a special scholarship to be known as the 'Cayman Scholarship' and for it to be wholly funded by Government and for the distinguish recipients to be known as 'Cayman Scholars'. This, Mr. President, would be a first for this country.

I understand that here in the Caribbean, most countries have such a scholarship. We must understand that this last request deals with the most excellent academic results ending at the High School level from which will come forth students from all walks of Caymanian life. I feel that this is an investment of social and human development from which this country ought to reap dividends in the years ahead.

This position is a wider dimension, which places stress on quality and which deepens this Government's commitment to the development of our people. This scholarship, of course, will not be awarded to anyone other than born Caymanians.

In closing, I think if this Motion is accepted it can bring about

the desired effect for social advancement in this country. I believe that all of our social development rests upon personal development. When I speak of social development I am not speaking about some theoretical condition that we are trying to arrive at in life. Progress is not a movement, in my opinion, from some bad place where you are to some equally certain place that you would like to get to.

What progress is all about, as far as I am concerned, is the development of one's self. The self cannot develop unless it has the conditions in which it can develop. So when we speak of development we have to include everything.

We look at the country as a whole, we speak of housing, of community organisation, of the facilities of those communities that have an awareness of each other unless as individuals and as a community they have a sense of their own potential development, both as human beings and as vibrant growing country.

This is why this kind of Motion is before the House. Therefore I take great pleasure in moving this resolution to further the social, historical, educational and cultural awareness and advancement in these Islands and I trust that this resolution also will be passed.

The Member from Bodden Town has said he did not understand this one, we are not too sure that he understood the other one by him voting for it, that was like....

POINT OF ORDER - MR. G. HAIG BODDEN

MR. G. HAIG BODDEN: On a Point of Order, Mr. President, I have not yet spoken on this Motion, how does the Member know what I have said?

MR. PRESIDENT: That seems a fair Point of Order.

MR. W. McKEEVA BUSH: Very fair but not true. He told me that he did not know what it was all about. Let us hear what he has to say.
Mr. President,....

MR. G. HAIG BODDEN: You did not understand what I said.

MR. W. McKEEVA BUSH: Mr. President, I trust that Members will give the Motion a fair passage.

MR. PRESIDENT: The Honourable First Official Member of Executive Council.

HON. THOMAS C. JEFFERSON: Mr. President, I do not propose to speak in relation to a number of items that are listed in this Private Member's Motion, but only to comment on the first part of the Private Member's Motion which deals with the Certificate and Badge of Honour.

The Caymanians who have been awarded Her Majesty's Certificate and Badge of Honour are, indeed, residents of the Islands, who have earned this important recognition for their services to the community of the Cayman Islands. Quite frankly, I encourage them to demonstrate their possession of that award by placing it after their names. Whether they wish to spell it out - Certificate and Badge of Honour, or whether they wish to abbreviate it by putting Cert. Hon.. That is all fine, Mr. President, and we encourage them to do so.

MR. PRESIDENT: The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, I will not retrace the steps of the First Official Member, so I will deal with items 2, 3 and 4 in the resolution.

The Mover of the Resolution, quite rightly, pointed out that at the moment we have the notes of Commissioner Hurst and the history written in 1970 by Mr. Williams. He could have added the book named 'Caymanian Politics, Structure and Style, In a Changing Island Society' by Hanners. It is a very enlightening book on the politics of these Islands.

The notes of Commissioner Hurst are basically out of print, so there is reason to look for a replacement for that. As the Mover has, quite rightly, pointed out the history by Williams was done rather hurriedly in anticipation of a national celebration of 300 years of British rule commemorating the Treaty of Madrid. Reading from the foreword he pointed out that Mr. Williams hoped that someone would, in future, do a more detailed work so that as we proceed we can see the history being recorded.

The Member pointed out that at all levels more and more interest is being taken in things Caymanian and our history. The National Trust is undertaking certain work which will undoubtedly lead to an enrichment of our history.

Government has just appointed an archivist, Dr. Reid, who will arrive in early December. I feel certain that through his professional contacts in Europe, United Kingdom and North America that we will get added information to place in the history of the Cayman Islands.

On the question of history being taught in the schools, for a couple of years, greater emphasis has been placed on this, and particularly at the primary school level there is quite a comprehensive syllabus on this. Members may be aware of a text book which has been produced by primary school teachers under the direction of Mr. Mauricey, a Professor from the University of the West Indies. To give some indication of the scope of the work I would just give, if I might Mr. President, the contents of the book which will be used as the background for the syllabus.

This book will shortly be printed by Macmillan and Company, and the contents start:

- *Part One:**
- Our Islands
- Where the Cayman Islands were formed
- The Sea Around Us
- Our Beautiful Islands
- Vegetation
- Rain Fall
- Temperature
- PART TWO:**
- Caymanians
- Our Ancestors
- Captain Alvin Walton Ship Wreck
- Populations of Our Islands
- Citizenship
- Immigration

PART THREE:

Our Growing Industries
Our Growing Industries Tourism
The Tourist A Visitor
Crew Ships
Banking and Insurance
Agriculture
A Visit to the Turtle Farm
Fishing
Crafts
The Construction Industry

PART FOUR:

Government Past and Present
Government In The Early Years
The Years as a Dependency of Jamaica
Today Our British Dependent Territory
Our Government
The Services Our Government Provides
Our Capital George Town

PART FIVE:

Protecting Our Environment
Our Natural Environment
Protecting Our Beaches and Wet Lands
Protecting Our Marine Resources
Protecting Plants and Wild Life
Conserving Our Water Resources
Plants to Avoid

PART SIX:

Our Culture and Heritage
Life in 1900
The One Room School House
Our Seafaring Heritage
Caymanian Houses
Old Time Christmas
Cayman English
Religion in Cayman
Singing and Dancing
Pirates Week One of our Festivals
Symbol of Our Nation
Nation Builders, Past and Present

PART SEVEN:

Caribbean Neighbors
The Islands of the Caribbean
Caribbean Climate
The 1932 Hurricane
The People of the Caribbean
Transportation and Communication
A Look at Some of Our Neighbors"

Mr. President, it will be seen that in Social Studies at the Primary School children get a good grounding. As they go on to the Middle School and High School they enlarge on this and, in fact, it then becomes an exercise of using materials as research and projects. In fact, a social studies project for the GCSE Exam has been accepted on our Caymanian history such as is known.

Nevertheless, Mr. President, no one can argue that if our social studies, that is the history, is updated that it would naturally follow that the history syllabus taught in school would also have to be updated. So I have no problem with that.

Item 4 - The Scholarship. Again, Mr. President, we have no problem in accepting this. In fact, this is something that has been thought of for some time. Any Members who attended the job fair, I think it was in April of this year, will recall that in speaking there I mentioned that Government had this under consideration and challenged employers to also think of awarding competitive scholarships which, in my view, would stretch and challenge the ability of the more able students.

The reason why this has taken sometime in implementing is because of the dual system of education which we have in the Island at secondary level. That is the British system and the North American system. We feel, as the Mover obviously feels, that it should be opened to all children. We have been looking at the criteria for scholarships generally, and we have been looking at this.

I believe that we, and when I say we I mean the Education Council, will soon be able to approve a formula that is applicable to both types of education so that we can get the best scholars to award the Cayman scholarship to. In fact, we were thinking of two, possibly one to a girl and one to a boy. I am sure that the Mover, if this was the decision, eventually the Mover would not object to that, once we stuck to the spirit of the Motion.

So, Mr. President, I have pleasure in accepting this Motion.

Thank you.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President.

Mr. President, I rise in support of Private Member's Motion No. 9/88 dealing with the Social, Historical, and Cultural Awareness.

The Motion before us is one which I can wholeheartedly support. My remarks will, as usual, not be lengthy but I felt that it was rather important that I express my pleasure at the Motion having been brought to the House and congratulate the Mover and Seconder thereof, namely the Second Elected Member from West Bay and the Elected from North Side.

Anyone living in Cayman is very likely aware of the role of Aunt Sookie which I have, with humble pride, filled from time to time over the last decade. It will only, too well I suppose, serve to make known to the public my strong support of Cayman's social, historical and cultural awareness.

I think that the time has long come and gone when, perhaps,

the fears which a former Executive Council Member responsible for Education had some years back, that the role which I played was something which was not good for the country, in that the children of Cayman, especially in the High School, would leave there without knowing how to speak proper English. Anyway, I am sure, by now, he has realised that that has not proven to be a problem.

However, if I am known for nothing else in this country I would still be proud to know that I have, I believe, helped to reinstill in Caymanians our very own version of English and our unique Caymanian customs. I have no fear of thinking that perhaps I introduced anything which would be less than the best for the Caymanian people. Not wishing to blow my own horn at all, but I just wanted to reemphasise that this Motion is meaningful to me.

Having said the foregoing, I also fully support the resolve portion of the Motion, which indicates that some abbreviation should follow the names of those persons who were honoured with the Queen's Badge and Certificate of Honour. These awards have been made to these dedicated and stalwart citizens of Cayman, and that honour should be made well known.

As it now stands few people are even aware of such an honour having been bestowed on the worthy recipients. I agree that some abbreviation needs to be arrived at and adopted in order that, at all times, there is an awareness of this honour having been bestowed on the recipients.

On points 2 and 3 of the resolve section, I think that the Honourable First Elected Member of Council has adequately covered those points and I am sure he has set out that provision of materials in social studies are already provided in our schools from primary level on up to high school.

I look forward to continual additions being made to this. Especially now that there is the memory bank and other things in place through the National Trust. I think we are going to see a lot of Cayman's cultural historical and social background being brought forward and, of course, it is good that all of this is being harnessed while many of our senior citizens have sharp memories and can help us to remember where we have come from.

Believe me when I tell you my Caymanian heritage is an extremely sensitive area and one which I am very much conscious of at all times and I welcome every effort which is being made to preserve, what is uniquely, a Caymanian's way of life.

The creation of what has been suggested in the Motion might be called the 'Cayman Scholarship' is, I believe, a good step forward. I believe this should serve to create an even deeper awareness among students as to the value of and rewards to be achieved by consistent study and hard work in school. I believe this will certainly be a welcomed addition to all the opportunities now available within the educational system in this country, where Government already provides for an education of the highest standards free of cost to all students in this country.

I congratulate the First Elected Member, at this time, for the great effort that I am aware he continually makes in the advancement of education in this country and I believe that we can look forward to his continued support in this regard as well.

Mr. President, I support Private Member's Motion No. 9/88 regarding social, historical and cultural awareness.

I thank you.

MR. PRESIDENT:
Mover wish to exercise his right of reply?

Does any other Member wish to speak? (pause) Would the

MR. W. McKEEVA BUSH:
accepting the Resolution. Normally there would have been at least four different Resolutions but being the time it is, we coupled them together. It was one way of getting around Standing Orders and tying up what we wanted to get done since the House is in its last Session.

Mr. President, I would just like to thank Government for accepting the Resolution. Normally there would have been at least four different Resolutions but being the time it is, we coupled them together. It was one way of getting around Standing Orders and tying up what we wanted to get done since the House is in its last Session.

Also, if you please, you can use this abbreviation behind your name. Therefore it will go down in history and people will know that 'BH' stands for Queen's Badge and Certificate of Honour.

What is to be used? Is an abbreviation of 'BH' is to be used?

Resolution.

Mr. President, I thank the House for supporting this

MR. PRESIDENT:

I shall put the question on Private Member's Motion No 9/88.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH:

Can I have a Division, Mr. President?

**DIVISION
NO. 19/88**

AYES: 14

NOES: 0

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. J. Lemuel Hurston
- Hon. Benson O. Ebanks
- Hon. W. Norman Bodden
- Hon. Capt. Charles L. Kirkconnell
- Hon. Vassel G. Johnson
- Mr. W. McKeeva Bush
- Mrs. Daphne L. Orrett
- Mr. Linford A. Pierson
- Capt. Mabry S. Kirkconnell
- Mr. G. Haig Bodden
- Mr. D. Ezzard Miller
- Mr. John B. McLean

PRIVATE MEMBNER'S MOTION NO. 9/88 PASSED UNANIMOUSLY.

MR. PRESIDENT: Continuing with Private Member's Motions. Private Member Motion No. 11/88, the Second Elected Member for Bodden Town.

**PRIVATE MEMBER'S MOTION NO. 11/88
FIGHT AGAINST CRIME IN THE CAYMAN ISLANDS**

MR. G. HAIG BODDEN:

Mr. President, I beg to move the following Private Member's Motion,

"Whereas crime has increased significantly in this country according to the Police

Report 1988:

AND WHEREAS the number of convicted prisoners has also grown significantly; and

WHEREAS adequate steps and measures to protect and secure the citizens of this land are needed and whereas the situation is urgent;

BE IT THEREFORE RESOLVED THAT this Honourable House records its deep concern over the increase in crime and acknowledges its appreciation and signifies its gratitude to Cayman Against Substance Abuse, the Churches, service clubs, organisations, and individuals, who have assisted and continue to assist in the fight against crime."

MR. JOHN B. McLEAN:

Mr. President, I beg to Second the Motion.

MR. PRESIDENT:

and seconded. I invite the Mover to speak to it.

Private Member's Motion No. 11 of 1988 has been duly moved

MR. G. HAIG BODDEN:

Mr. President, this Motion is brought out of deep concern over the crime wave that we are now experiencing. The Motion is intended to bring this matter to the forefront so that it will be on the priority list of projects to be tackled by the new Government, whoever they may be.

I have seen a paper circulated by the Chamber of Commerce, an important body in this country, in which they identify what, in their opinion, is the ten most important points to be dealt with by the new Government.

However, sad to say, this is not one of them. It is my firm opinion that the fight against crime should be number one. I think it should come above anything else because if we do not arrest the increase in crime, I am afraid, tourism will suffer and the Islands will no longer be regarded as Islands of peace and tranquility.

The Motion claims that crime has increased significantly, according to the Police Report of 1987. As that report is in the hands of Members and had been tabled sometime ago, it is not necessary for me to recite the sad state of affairs set out in that Report. I take the report to be factual and would only like to mention what I consider some of the serious incidents contained in it.

It shows that crimes reported to the police and which were dealt with by the police, have almost doubled over the last three years. It shows that drug cases, in particular, have increased almost eight times. It shows that there were over 300 hundred burglaries in 1987, almost one per day. It shows that the ganja cases doubled in 1986 over 1984 and were up again in 1987. It shows that cocaine cases which were four in 1984 are up to 230 three years later and what is sad about this is that the cocaine cases had been much higher than four in years prior to 1984.

I think some earlier report had shown that the cases dealt with were something like seven or nine cases in a previous year. Although not contained and perhaps not detailed in this report, we have the very serious incident of juvenile crime.

In 1987 we had some 77 cases of juvenile crime before the Courts and in the first three months of this year we had 50 cases before the courts. In a recent front page article, the Deputy Commissioner of Police admits that the drug situation is almost out of control. So the Motion itself, the language of it, is very precise and very factual when it claims that crime has increased significantly.

The Motion also states that the number of convicted prisoners has also grown significantly. This is only natural if the crimes are up, the prison population will also be up. The recent Inquiry on the Prison, which was made public, stated in one line, "the prison is already close to overcrowding which means that we are now looking at being faced with capital expenditure to build more space at the prison if we are going to continue to have more crimes and more people sent to jail."

In an interview with a certain magazine sometime ago Mr. Walsham Conolly, the Director of Prisons at the time, said that 55 per cent of the people in Prison were there for drugs. One of the Magistrates in a speech, which was made before a certain organisation, also mentioned that many of the people who had stood before him in recent times involving money or obtaining money had admitted that they had committed a crime in order to supply their drug habit.

What is the most alarming part of this is that the majority of people in prison are under the age of 30. If we take these figures as accurate, and it is my belief that they are pretty comprehensive and almost correct, we will have to accept the third 'whereas' in the Motion which states: "adequate steps and measures to protect and secure the citizens of this land are needed and are needed badly". Of course, if we accept all of this we also must accept that the situation is urgent, cannot wait and need not be put off.

We heard recently that certain projects of Government or certain matters were delayed because of Election controversy but I think this serious matter has to be dealt with as quickly and possible.

The reason for the Motion is not only to highlight the serious situation with which we are faced, but also to say thanks to those organisations and people who have already recognised what apparently the Chamber of Commerce has not recognised and what apparently certain other people in Government may not have recognised. That we have a problem.

So the Motion expresses thanks to CASA (Cayman Against Substance Abuse). This is perhaps one of the newest organisations to join the fight against drugs, but the organisation has a very energetic young woman from West Bay as their president and I believe that this organisation can do a lot of good. I trust that the new Government will see fit to give this organisation support, if necessary monetary support, because I believe that CASA will lose its impact if it has to become a fund raising organisation in order to carry out the things which it sees needs to be done. I hope it will be a commitment from the Member for Social Services (I am not talking about the present one, because I do not expect he will have that post after the Election), but from the new Member in November, a guarantee that the Government will fully back the organisation.

The Churches have played their parts and years ago most of the major Churches started out by building Church Halls where they could hold meetings with young people to provide games and so on and I believe that this has helped.

The service clubs are doing their part and I think the oldest club on the Island, the Rotary Club, started this fight against crime long before it had become an epidemic. The Rotary Club built the Bonaventure House for boys, and this home has over the years, help a lot of young boys who had strayed to get back on the right track. I was really saddened to learn that the post of House Parent has been vacant for such a long time. I think it is a reflection on the Government that they have failed to find a suitable couple to run that Home.

I was certainly alarmed to hear that sometime ago someone said we should have stop giving Status a long time ago. I wonder what would have happened if a man like Mr. John Furze had not been given Status. John Furze, who is a foreigner, has stood out among the expatriates as one who has single handedly done a lot for the service clubs, thereby benefiting the unfortunate. I think it was quite fitting that he should have received the honour which has been bestowed upon him by the Queen because it was

during his time as president of one of the clubs that so much work was done on the Girls Home and as president of the new club, I know, he continues his work.

There are other organisations service clubs - the Lions, the Kiwanis they have done their part. There are other organisations too numerous to mention. Any organisation, whether it be the Business and Professional Women's Club or any other club that provides a scholarship for a young person or helps in anyway, I believe, is continuing this fight. So this Motion which, perhaps like the one just passed, is not controversial. I hope it can be accepted by this House in the manner in which it has been put and Members will agree with the Motion that the situation is urgent. We, as a country, need to look at this cancer which is eating away and which will destroy our peaceful Islands.

MR. PRESIDENT:
to take another speaker.

I think we are probably too close for the time for adjournment

MOTION FOR THE ADJOURNMENT

HON. THOMAS C. JEFFERSON:
House until 10 o'clock Monday morning.

Mr. President, I move the adjournment of this Honourable

MATTER RAISED AFTER THE MOTION FOR ADJOURNMENT

MR. D. EZZARD MILLER:
Honourable Second Elected Member of Council and the Honourable Third Elected Member of Council and the Fourth Elected Member of Council last day in the Chambers as both of them have intimated that they will not seek re-election.

Mr. President, I believe that today is last day for the

That being the case, I would like to take this opportunity to thank both the Honourable the Third Elected Member of Executive Council, Capt. Charles and the Honourable Fourth Elected Member of Executive Council, Mr. Vassel Johnson for the assistance they have given to me in trying to provide the needs, amenities and facilities for the people of North Side which is my constituency. I would also like to thank them for their time, efforts and their dedication to all the people of Cayman.

Their retirement is well earned and the Members of this Honourable House and the people of this country owe them both a great debt of gratitude for their service.

MR. PRESIDENT:
Council.

The Honourable the Fourth Elected Member of Executive

HON. VASSEL G. JOHNSON:

Mr. President, Honourable Member, I want to make it quite clear that I have not made any public announcement that I will be leaving this Legislative Assembly and that I will not be contesting my seat in the November Election. My decision will come in due time. I just want to make that quite clear because I know the press is here and they are more anxious to hear what I am going to do more than the Members here.

Mr. President, I leave tomorrow for Australia to attend the 34th

Annual Commonwealth Parliamentary Association Conference which will take place in Canberra. Since I am not going to be here for the ending of this meeting, I would like this afternoon to say a few words before departing.

I would like, Mr. President, first of all to extend to you my grateful thanks, to my colleagues of this Honourable House both Elected and Official Members and also to the Clerk and her staff for the assistance which you have all given me from time to time in my work here.

I would also like to thank the Opposition for the part that they have played here although it has now been reduced to one, it seems like. Nevertheless, whatever antics might have been carried on over there, it is good and healthy for the country. It is healthy because the doctrine of democracy is built purely on the fact that all Government should have an opposition. Without an Opposition over there, the Government would certainly be free to do as it has in mind. So I would like to thank the Opposition for the part that has been played here as well.

At this particular time too, I would like to say thanks to my Principal Secretary and the staff of my office for their very strong and dedicated support during the time that I have been in office. I will still be there for sometime yet, but nevertheless this is an opportunity to express my gratitude to them for the work they have done over the past four years. Most of what I have achieved in that portfolio could not have been possible without the strong support that I got from especially my Principal Secretary.

I would also like to extend my deep gratitude to the voters of George Town who elected me in 1984 to the office of this Legislative Assembly and to the many people all over the Cayman Islands who displayed confidence in my ability to represent them and to the extent that in 1984 they invited me out of retirement to return and take up active service in this Legislative Assembly.

Over these four years I accepted that mandate and that challenge from my supporters together with that given to me by my colleagues of this Honourable House when they elected me to the office of Executive Council. Mr. President, during this period I have worked hard to fulfill those expectations and did my best in helping to solve many of the problems that faced us over these past years. I can assure you that there were many. Especially in the early days of this administration.

Mr. President, I would like to say that whatever else might be said I leave this Legislative Assembly at the end of these four years content that with God's help I have been able to achieve many goals. The Cayman Islands are now at the height of achievement and prosperity which was planned and sought over many years. The political stability was never stronger, bringing unsurpassed investors' confidence as demonstrated by the boom we are now experiencing. Tourism and the financial industry have now reached reputable heights throughout the world.

In 1982, Mr. President, the ball supervisor..... (inaudible).... and it said that the Cayman Islands in terms of the number of banks licensed here ranked the third banking centre of the world after London and New York. That, Mr. President, is quite an achievement.

Then last year, in 1987, Forbes Magazine of New York, which is engaged in status assessment of financial centres around the world, stated that among the offshore financial centres the Cayman Islands was placed in first position. In other words, the Cayman Islands last year, became the number one offshore financial centre of the world. These are great achievements and achievements which we should not tend to forget.

As we walk around the Island, we see businesses, large and small, become very prosperous and growing by leaps and bounds - new businesses springing up all around. We see the average income of Caymanians rising to the highest in the Caribbean and highest in many other parts of the world as well.

Many lucrative opportunities exist here for people in the many areas of the economy. Caymanian participation in Government and in the private sector has never been greater and more effective. I am not saying that there is not much more to be achieved.

No Government before this one has exercised a greater open door policy as far as public input into legislation and policies are concerned, in spite of what few critics might say

on the outside. All essential services and basic infrastructure are in place. Last but not least is the Government's position financially in cash and reserves. A statement just issued from the Honourable Financial Secretary's office gave cash and reserves at the end of July this year as approximately \$25,000,000. This does not include the Currency Board's reserve.

What greater gift could any incoming administration expect, Mr. President? Certainly, none in the past history of this administration of these Islands, to receive so great a legacy. When we came on to this scene in 1984, our legacy was a Treasury overdraft of \$4.5 million. Taking reserves, cash and other things into consideration, Government's net position was \$4.2 million. Those are statements that have been presented to this Honourable House in recent times as well.

Mr. President, I leave this House today with the knowledge that Elections are unpredictable and therefore ask you and any who may return to occupy these seats after the November Elections, or for that matter any other election in the future, to ensure that our work has not been in vain and that the Cayman Islands will continue to be a source of great pride to all who live here and those who visit this wonderful country.

Thank you Sir.

MR. PRESIDENT:

I think the Second Elected Member for West Bay caught my eye first.

MR. W. MCKEEVA BUSH:

Mr. President, I too want to associate myself with remarks made by the Elected Member for North Side.

Mr. President, both of these Members gave me some assistance in my time here as a young representative of the people. The Honourable Fourth Member of Council has made a great contribution. He has done his part on the development of this country. I remember headlines, in years past, in newspapers congratulating the Member in the development of what is now the finance sector in this country. I remember a headline saying that he was the father of that sector and so there can be no doubt as to the part he played. For this we must thank him on behalf of our people.

We have not seen eye to eye at all times in this House and there have been occasions when we got a little hot under the collar, but that is democracy. Many projects have been accomplished in this country. While not everyone had agreed, there were things that needed to be done and so the Member undertook to do it.

I can say the same for the Honourable Third Elected Member of Council. Because of his Portfolio, there has been quite a bit done in my constituency. He did not see fit to build the cruise ship landing that, I believe, is necessary in my constituency. Nevertheless, I trust that will be accomplished in the next four years, God willing.

The Member, I believe, has spent some sixteen years as a representative of the people. There are times when people cursed you, cursed your family and I know in my four years the kind of ridicule that has been heaped upon me. I can just imagine what it must have been like for sixteen years. However, I believe it must have been rewarding to know that he played an integral part of the development of this country.

The Member has given me on many occasions good advice not only a young legislator, but as a young father and as a young man. There have been times when we did not see eye to eye either when I believe we could have come close to blows but that is democracy. We did not come to blows, that is the important thing, that is democracy. He had his views, I had mine and I did not see fit to support his.

Mr. President, the main thing is that we can walk out of this House and we can be friends and act as civilized people. That is what is important and that is what makes our country great.

I wish for the Third Member of Council all God's blessing and him and his family in his retirement. The Fourth Member says he is not sure yet so we will have to wait and see. I would just like to leave them with the thought and say to them maybe they would take this up as their watchword, giving God thanks for his many blessing because we do have a lot to be thankful for.

It is a favourite of mine and it says:

"Now thank we all our God with heart and hands and voices, who wondrous things has done, in whom His world rejoices. Who from our mothers arms has blessed us on our way, with countless gifts of love, and still is ours today".

I wish them God's every blessing.

MR. PRESIDENT:

Before we proceed further can I take it that the House agrees to extend what is normally a short extension on the Motion on the adjournment? Thank you.
The Honourable Third Elected Member of Executive Council.

CAPT. CHARLES L. KIRKCONNELL:

Mr. President, I would like to thank the Member for North Side and the Second Elected Member for West Bay for their very kind remarks. I would also like to thank you, Mr. President, for allowing me the time to say a few words on this my last day as a Member of this Honourable House.

Today is exactly twelve years and six months since I was sworn in as an Honourable Member of this Legislature. The time has come to say farewell to you, as President of the Legislative Assembly, the Members of this Honourable House, the Clerk and Deputy Clerk and all the staff of this Legislature, I would like to thank each and everyone of them for their help, support and kindness to me over the years.

I am grateful to have had the privilege of serving my country and I trust that time will prove that my contribution has been beneficial to these Islands. I am pleased that I have been able.

It is a particular satisfaction for me to have represented Cayman Brac and Little Cayman at a time when the development of this territory started in earnest and the role of the Sister Islands needed to be brought into focus. I am pleased that I have been able to help put the infrastructure of the Sister Islands in place and leave with a sense of pride when I consider the achievements of the past twelve and a half years.

The Cayman Islands have made great strides over the past decade and especially over the past four years. As this administration draws to a close, it leaves the country's financial affairs in the best position ever.

Having said that, I recognise that we have a very serious drug problem on our hands which has escalated over the past few years. This administration has been working on the problem and progress has been made, but a great deal more needs to be done. This is a social problem and not a political one. I sincerely hope that the candidates in the upcoming Elections will not use it as a political football. More than politics is at stake, Mr. President. Our country's future is at stake. Drug abuse will be the major problem which the new administration will have to deal with and I pledge my full support to the future Government in helping to fight the world against drugs. Unless this enemy is defeated all other progress will become meaningless.

Although I will no longer be a sitting Member in this Chamber, my interest in the affairs of these Islands will not diminish.

Finally, Mr. President, I would like to wish all Members of this Honourable House who are seeking re-election every success in the upcoming General Elections. May God bless this House and all those who serve in it.

MR. PRESIDENT:

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, I would just like to say that I met the Third Elected Member of Executive Council, Capt. Charles if you would permit my saying it, in 1976 when he won the by-election to replace the late Capt. Reid. At that time, both of us were in Opposition, a term that only come to this Chamber during that period. We worked together and we were both elected in 1976 and became Members of Executive Council. We worked together very closely for four years and he made many useful contributions to Government.

After the Elections in 1980, I remained in Executive Council and the Third Member became a Member of the Opposition. Over the four years we got along quite well. In 1984 the tables were reversed and he became a Member of Executive Council and I became a Member of Her Majesty's loyal Opposition, but the reason why I have traced this is because I would like to say that over that twelve and a half year period I have found this person to be a man.

Sad to say, but he has been the only Member of Executive Council that has been tolerant of my views. He has been the only Member that has shown any tolerance to my district and I am very grateful for the work that he has done in my district. The only work that has been done, has been done because of his portfolio. Roads have been fixed, lights have been installed and I am very grateful. I must say that for me, it is sad to part with a man that is a man.

MR. PRESIDENT:

The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL:

Thank you, Mr. President.

Mr. President, I too would like to express my deep appreciation and the appreciation of the people of the district which I represent, Cayman Brac and Little Cayman, to these two distinguish gentlemen the Third and Fourth Elected Member's of Executive Council, as this is their last day as a sitting Member in this Legislative Assembly.

History repeats itself for Mr. Johnson. This is the second opportunity that I have had to stand up and speak on his retirement from the Legislature. I was a Member here when he retired as Financial Secretary and again today as an Elected Member. I spoke then of the great contribution he had made to this country and I speak no less today of what he has made as an Elected Member. I deeply appreciate his efforts in bringing my district in focus. I shall always be grateful to him for his guidance and advice over the many years that I have had the privilege of knowing him.

And to my colleague, the Third Elected Capt. Charles, we have been very close all of our lives, as we are related as everyone knows. The people of my district will forever be grateful to him for all that he has done and I am confident today that I can say will continue to do for the two Sister Islands. We, today, are proud of the accomplishments of his term in office. I am proud that I had the opportunity of serving eight of those twelve years as a colleague of his. We shall deeply miss him in this House, as I hope that I shall return here. If not, we shall strive to continue the development of the Cayman Islands.

As you all journey to Australia I wish for you all a very pleasant trip, a safe trip and an enjoyable conference. To you, the Clerk, I also wish you a very pleasant and successful conference.

In closing, Mr. President, again I can only say that I thank Almighty God that He made it possible that we had two gentlemen such as Mr. Johnson and Capt. Charles to help lead this country and to take us to where the Cayman Islands is today. I think we must thank our Maker for the great mercies to us.

Thank you, Mr. President.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President.

While I will be quite brief, I am pleased to say that apart from having any arguments or nearly coming to blows, I believe my association with the Honourable Third and the Honourable Fourth Elected Member of Executive Council has been a very pleasant association.

The Third Member of Council has been a gentleman that I have known probably for the last twelve years. Mr. Johnson, I was privileged to work with even from my early times with Government which is some thirty years ago, just out of school, and our association has been a very friendly and close association.

I want to thank these gentlemen for their contribution over the years. It especially has been pleasing to me to have been able to have an Executive Council that I felt I could trust whole heartedly and gentlemen, that I felt keenly confident of seeking advice from and knowing that they had only the best interest of this country at heart.

I wish to thank them both and to say that rather than looking forward to, it is difficult to say what the situation is with Mr. Johnson, but certainly not having the privilege of being able to say this because of their departure tomorrow, I certainly would like to say here that I believe retirement is also an exciting time in life when one can do what one pleases and still have the opportunity of serving one's country in the many capacities and areas that will be available here.

May God's blessing rest on you and believe me when I say I thank you from the bottom of my heart for all that you have done for Cayman and I was pleased to have been able to serve with you.

Thank you.

MR. PRESIDENT:

The Elected Member for East End.

MR. JOHN B. McLEAN:

Mr. President, I do not know if I can say too much on behalf of the Fourth Elected Member to Council because, as he pointed out a while ago, he has not decided as to what he is doing and my honest opinion is that perhaps he has just played a great role on his colleagues from George Town, Mr. Norman and Mr. Linford, because I believe he has just launched his 1988 campaign here in the Chamber.

For Capt. Charles, the Third Elected Member to Executive Council, our relationship goes back several years. As a matter of fact, long before I came into this Legislative Assembly I worked for the Honourable gentleman in his business, Kirkconnell Brothers and also at Kirk Plaza. I can say this evening that, at some stage, I depended on Capt. Charles for fatherly advice, which he always gave when I sought it. Since we have become Elected Members I have always found him, regardless of our differences politically, to be somebody that I had no fear in confronting with a problem. He was always willing to listen and where his Portfolio could assist he has always tried to do so.

I recall after the General Elections in 1984 I was very

disappointed in the three other Executive Council Members, because shortly after the Election I took time to write to the four Members a short letter of congratulations and pledging to them my support where possible, to work along with them for the four years we have just completed.

I am please to say this evening that the only reply that I received was from Capt. Charles.

HON. BENSON O. EBANKS:

The others got lost in the mail.

MR. JOHN B. McLEAN:

I was certain that Mr. Benson would speak up because I figured that would be his attitude with it, if it was not lost in the mail he would make it lost anyway. Mr. Norman did say to me later on that he had received his letter, but neither Mr. Benson or Mr. Vassel indicated anything and I must say through the four years neither the two has really showed me that much attention.

I am please this evening that I can stand here and speak differently of Capt. Charles and I wish not only for the trip that he has before him, but for his retirement everything that is good and as the Member's colleague from the Lesser Islands has stated I am hopeful also that I will come back here if my people feel that way and should I be return and if at sometime I should need his advice, I will continue to seek it.

retirement.

To you, Sir, all that is good in the future and a happy

MR. PRESIDENT:

The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:

Thank you, Mr. President.

Mr. President, I too would wish to convey my very best wishes to both the Honourable the Third and the Honourable the Fourth Members of Executive Council, who I hope That by the 3rd of October next month we will all know whether he is planning to do this.

But I have to say that of all the Executive Council Members, I believe, that the Fourth Elected Member may have accomplished more new projects than any other Member of Council. This is not in anyway to not recognise the amount of work that has been done by Members, I am speaking of new projects. But many times in our efforts to try and accomplish as much as we can sometimes our constituents do not see this that way. But I wanted to make this point, Mr. Johnson, or the Fourth Elected Member, has done a fine job.

I also would wish to recognise the time that I spent with him in the Government Service. I got a good foundation. I started with him as his Chief Accountant in the Treasury Department and ended up as his Deputy Financial Secretary. And it was indeed, a learning period for me. I am not going to say here this evening that we have always seen eye to eye. This is not so. But then we are not extension cords we each one have our own individual minds.

The Third Elected Member of Executive Council is a fine gentlemen. He has done a great job. As I said about the Fourth Elected Member, he and I have not always seen eye to eye, but then we have agreed to disagree on certain points and afterward sat down and discussed them.

There is really only one thing that I am a little disappointed with and that is what appears to be an apparent bit of selfishness on their behalf, on their side. When they were naming the crocodile, Sir, they decided to name them after themselves, Vasselman, Charleston and Bennor. And McKeeva was somewhat upset about that and so was I. I felt that we should have been given some recognition, but putting this little bit of joke aside Sir....

HON. VASSEL G. JOHNSON:
(laughter)

You can have my name now.

MR. LINFORD A. PIERSON:

Okay.

MR. McKEEVA BUSH:

Don't get me in this one.

MR. LINFORD A. PIERSON:

...but the contributions of these two gentlemen will go down in the history and the annals of our Parliamentary process, our Parliamentary democracy. They have done a fine job, indeed, for the Cayman Islands and I would wish for them God's richest blessings. In closing I would leave with the words of Longfellow, which I think is most appropriate for these two fine gentlemen.

"Lives of great men all remind us.
We can make our lives sublime
And departing leave behind us,
Footprints in the sands of time".

Thank you, Mr. President.

MR. PRESIDENT:

I would just like to add my own warm personal tribute to the two retiring Members following that very moving expression of appreciation of the services they have given. I would particularly like to mention the very kind and sage advice in the Executive Council to a new young Governor.

I should like to express thanks also to their wives and their families for lending them for so long to public service, may you enjoy a long and happy retirement.

ADJOURNMENT

I shall now put the question.

QUESTION PUT: AGREED.

**AT 5:15 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.
MONDAY, 12TH SEPTEMBER, 1988.**

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

**THIRD MEETING OF THE 1988 SESSION
MONDAY, 19TH SEPTEMBER, 1988
FOURTH 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, OBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

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

APOLOGIES

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

ORDER PAPER
OF THE
HONOURABLE CAYMAN ISLANDS LEGISLATIVE ASSEMBLY
THIRD MEETING OF THE 1988 SESSION
MONDAY, 19TH SEPTEMBER, 1988
FOURTH DAY

1. PRAYERS

To be read by the Honourable Third Official Member.

2. MESSAGE BY THE PRESIDENT

3. PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE STANDING BUSINESS COMMITTEE
(Meetings held 5th and 7th September, 1988)

To be Laid on the Table by the Honourable First Official Member, Chairman of the Standing Business Committee.

4. QUESTIONS TO HONOURABLE MEMBERS

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 39: Could the Honourable Member say how many Gainful Occupation Licences have been issued for the period 1985 to 1988 to Non-Caymanians or companies registered as foreign companies or companies with a local companies control licence or partnerships which are more than 40 per cent Non-Caymanian partners respectively?

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

No. 40: Can the Honourable Member say how many work permits for natives of Jamaica, Honduras, United States of America and the United Kingdom, respectively, were terminated or issued as final for the period 1985 to 1988?

No. 41: Would the Honourable Member say:
(a) why the programme open line is no longer aired regularly on Radio Cayman, and
(b) who decided to vary the programme?

5. OTHER BUSINESS

(i) **PRIVATE MEMBERS' MOTIONS:-**

(1) **PRIVATE MEMBER'S MOTION NO. 11/88**
Fight against crime in the Cayman Islands

CONTINUATION THEREON.

(2) **PRIVATE MEMBER'S MOTION NO. 10/88**
Amendment to the franchise of Caribbean Utilities Co. Ltd.

To be moved by the Elected Member for North Side and seconded by the Second Elected Member for West Bay.

(3) **PRIVATE MEMBER'S MOTION NO. 12/88**
Apprenticeship System

To be moved by the Second Elected Member for West Bay and Seconded by the Elected Member for North Side.

(ii) **PRIVATE BILLS:-**

READING OF PETITION:

The Church on Hospital Road (Incorporation) Bill, 1988

6. ADJOURNMENT

To be moved by the Honourable First Official Member, Leader of Government Business.

TABLE OF CONTENTS

	PAGE
Prayers	1
Reading by the Presiding Officer of Messages and announcements	1
Motion for the Adjournment	
Matter raised after the adjournment - Re: Hurricane Gilbert	3
Presentation of Papers	
Report of the Standing Business Committee - (Meetings held on 5th & 7th September, 1988)	9
Questions to Honourable Members	
Question Nos. 40 & 41	10
Private Members' Motions	
Private Member's Motion No. 11/89 Fight Against Crime in the Cayman Islands	
Mr. W. McKeeva Bush	11
Mr. Linford A. Pierson	14
Mrs. Daphne L. Orrett	17
Hon. Benson O. Ebanks	18
Adjournment	20

MONDAY

19TH SEPTEMBER, 1988

10:00 A.M.

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 the light of His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT:

Proceedings of this House are resumed.

President which I will now read.

The second item on our Order Paper today is a message by the I hope the House will understand that on such occasions I am rather confused as to whether I should be speaking as Governor or as President. I hope the effect will be the same.

**READING BY THE PRESIDING OFFICER
OF MESSAGES AND ANNOUNCEMENTS**

First of all, the Assembly, of course, was adjourned for exactly one week longer than we had intended. I hope Members will accept this as unavoidable and even Standing Orders have to bow before the storm on occasion.

Second, I report that on the 12th of September I signed the document notifying a State of Emergency and on the 14th of September I signed a document lifting that. The purpose of that Order is to enable requisitions to be made for goods and property for public purposes and generally for public order purposes. Fortunately, on this occasion there was no need for any of the powers thus authorized to be exercised.

I now wish to report to you briefly on Hurricane Gilbert. My report will be brief, not least, because communications now are so much better than they were on previous such serious occasions. Most of what I report is already public knowledge.

Nearly 56 years ago Mr. Weston, a Commissioner, reported to the Vestrymen of the Assembly on the 1932 Hurricane, and a most melancholy report it is. But it showed the same spirit of resilience and self-reliance which we have seen on the occasion of Hurricane Gilbert.

On this occasion we have been greatly blessed. A combination of good fortune, a meteorological change at the eleventh hour before the hurricane struck, but perhaps most of all the careful planning and preparations and a sensible response from the members of the public minimized the possible damage. The total effect, therefore, was relatively much less than the devastation we feared, having just heard what had happen in Jamaica.

Briefly the effects - no loss of life most fortunately, and few minor injuries. Very severe damage to crops and trees and pasture and the farming side. A number of private homes, many with their owners away, were virtually destroyed. Some public buildings have been damaged, one or two quite badly. Some coastal commercial properties on the south coast of Grand Cayman, in East End and North Side and on Cayman Brac and Little Cayman, have been damaged to varying extent.

On the tourist industry. There were superficial damage in some of the larger hotels with some facilities damaged, and the diving industry has probably suffered fairly severely.

The financial sector was out of contact with the world for some two days, and has been working hard to catch up. I am assured by the President of the Banking Association that there is no significant effect although some deals may have been missed.

Which brings me to communications. The systems held up pretty well in the appalling circumstances. And we must thank those who run those systems who installed them and who maintain them. We must congratulate Radio Cayman for keeping itself on the air except for a short break. I would like to record particularly our thanks to a number of amateur radio operators, both here and their United States colleagues, who gave invaluable help in keeping an outside link with the world while Cable and Wireless had to close down temporarily.

Turning to the tourist sector. The evacuation of tourist from the Island by Cayman Airways and other airlines was simply magnificent. I am told that nearly two thousand were moved out on Monday, and that really very few were left here who would had preferred to go. The tourist sector is getting back to normal very quickly and I believe that the quick visit of the Honourable Member for Tourism, Aviation and Trade to Miami last Friday for a press and television conference was most useful to make clear that our situation, fortunately, was not the same as that in Jamaica, for there had been some confusion in the overseas press on that point.

Estimates of the cost of damage obviously are not yet firmly available. It is thought that the losses to the farming sector, the homeless whom I mentioned, and the various public buildings may amount to as much as \$3 million, the cost of repair and assistance. Many private homes and commercial ventures, as I mentioned, suffered considerable damage but prudently and fortunately, I believe they were largely insured.

Outside assistance - again we were fortunate. The United Kingdom Government diverted the Frigate HMS Active, which had been on its way to Jamaica, to Cayman and left it with me to determine how long it should stay here with us. The crew gave sterling help in clearing up on Wednesday but in the light of the dreadful conditions in Jamaica I felt, in all conscience, we should allow the ship to go and it arrived in Jamaica by Thursday lunch time.

The U.K. Government has also offered any other help which they can provide. The State Department in Washington, by way of their Foreign Assistance Department, immediately offered us help by way of tents, food and communication systems. Two C-130's arrived but again it was evident that the needs of Jamaica and the likely needs of Mexico and, as it transpired, of the Southern United States were greater than ours, so after staying overnight the airplanes went on. The US Coast Guard and the United States Red Cross also offered us assistance. Again we concluded that, lucky as we had been, others needed their help more than we did.

We had several messages. The message from Her Majesty the Queen has already been published, therefore I will not read it again. I am not sure whether my reply on your behalf has been published, so perhaps I may read that.

"The Government and people of the Cayman Islands beg to express their most grateful thanks for Her Majesty's message of sympathy in regard to Hurricane Gilbert, and to renew their expressions of loyalty to Her Majesty. The royal message is of great comfort of the distressing time."

We also received a message from Her Royal Highness Princess Alexandra which was telephoned to me over the weekend. I quote:

"I was very sorry to hear of Hurricane Gilbert and I pray it has not caused the people too much damage. I look forward to my visit in November."

We had the following message from the Prime Minister personally.

"I was very concerned to learn of substantial damage that the Islands have suffered as the result of Hurricane Gilbert. Your initial Report suggests that despite the force of the hurricane, thanks to careful preparation, casualties are slight. For this we are grateful.

Please extend my sympathy to the injured and those who have suffered damage to property. HMS Active is diverted to you to render any assistance and we stand ready to help in any other way we can."

I replied, on your behalf, as follows:

"The people and Government of these Islands received your sympathetic message most gratefully. We have been blessed and fortunate.

The arrival of HMS Active was especially welcomed. We are in good heart and rapidly getting back to normal, although damage to the agriculture sector is serious and we have some sixty homeless. Again we thank you."

We had also messages from the Parliamentary Under Secretary, Mr. Eggar, whom you will remember visited here two years ago in connection with the MLAT.

We had a message of sympathy from the Caribbean Development Bank, from the Commonwealth Parliamentary Association and in particular the Delegates to the Small Countries Conference in Hobart where two of our Members and the Clerk are attending. We had some other individual messages. I have replied or will reply to all of these, in appropriate terms, on your behalf. And finally the Financial Secretary and I decided, although we could not consult you at the time, that we should send a message to the Government and people of Jamaica, and we did as follows:

"To the Government and people of Jamaica;

The heartfelt condolences of the Government and people of the Cayman Islands are offered at the tragedy and distress caused by Hurricane Gilbert. Our prayers and thoughts are with you."

And I have had a reply. It was passed to the Prime Minister's office and been released to the press and they are particularly touched by the kind wishes and the thoughts we have offered them.

The management and organisation of the situation. In 1987 a thorough review was carried out by the National Hurricane Committee of the Emergency Organisation under the able leadership of the Financial Secretary with the tremendous support of the Commissioner of Police and the Police Force, the Chief Fire Officer and the Fire Services and many other organisations and individuals including the private sector. The plan was well and truly tested.

Some minor areas were revealed as needing improvement and the review will focus on getting these right, I almost said for the next time and in that connection I am reminded of Winston Churchill's code name for his funeral which he planned. He code named it Operation Hope Not.

The courage and devotion of all concerned in the operation of the Committee and its subsidiary Committees is to be highly commended. I saw people working for 48 hours and more on end virtually without sleep. I cannot praise them sufficiently.

My wife and I were in the Command Centre from Monday afternoon, in the new Fire Station Building at the Airport. I should explain that the National Hurricane Committee is chaired by the Financial Secretary and that he is responsible to me for its operation. There could, therefore, only be confusion if I were to take a direct part in its activities, but I was fortunate enough to be by his side for long periods of time on Monday and Tuesday and I know how very well he and his team managed the situation. It was my privilege to do what I could in regard to international communications in particular.

On Monday evening I visited the evacuation of the last plane loads of tourists, and I expressed my warm admiration for the pilots who carried out those last flights. Some 13 hours later I watch 100 mile an hour plus winds driving the water down that runway, bowling the roofing irons along

and that really told me how much we owe to the bravery of all those officers and volunteers who, during that night, got people out of the flood waters and their damaged housing. They did a wonderful job.

The Public Works Department, Cayman Utilities Corporation, the Water Company and the Water Authority did excellent in getting main services quickly back into operation. Inevitably there are still some gaps in these services, but these will, no doubt, be quickly remedied.

The Airport runway was quickly put back into service, and Cayman Airways was quickly back on the road, if that is the right expression, with their flight operations. The Port Authority also got things quickly into order.

As to the homeless of whom mercifully there are relatively few, their needs are being assessed and whatever is necessary will be done. The farming community is badly hit, but damage to them is also being assessed. My wife and I have visited some of the districts and we have seen their dreadful problems. The Government, I am sure, will do everything it can to find the best ways to help them, and the Government will provide sensibly what funds are necessary in the process of rehabilitation.

I have heard that certain private sector establishments have in mind creating a relief fund. I think this is an excellent idea which should be encouraged. It is possible that we may also obtain funds from outside Cayman for this purpose.

At the end of this report which, all things considered, would have been impossibly optimistic until after the hurricane had passed, I would like to draw attention to the misfortune of others. Jamaica has suffered dreadfully. There has been a suggestion that we should, in some way, express our gratefulness to Jamaica for the help which they have given to Cayman on such occasions in the past, and I commend any arrangements for practical help which we could provide.

To sum up we have had by the grace of God a fortunate escape. We played our own part by way of planning and common sense. We shall, fairly soon, be back to normal. Life goes on and in this financial and tourist oriented community business must quickly be again as usual.

Thanks are being duly offered in our Churches since the passage of the hurricane. But perhaps next Sunday the Churches might consider a coordinated service of thanksgiving.

Honourable Members, I thank you. That concludes my Report. I fear there is no printed version available yet but no doubt the

Hansard reporters will do their best quickly.

I have now been notified that in accordance with Standing Order 11 the Second Elected Member for West Bay wishes to move a resolution. Before he does so the Honourable Second Elected Member of the Executive Council has to make a statement, in accordance with Standing Order 24(2).

I think that the order of events here is that there is a Motion to adjourn in order to have a debate on what will then be the Motion. So could I have the Motion for the adjournment first please?

MOTION FOR THE ADJOURNMENT

MATTER RAISED AFTER THE ADJOURNMENT

MR. W. McKEEVA BUSH:
move the following resolution.

Mr. President, in accordance with Standing Order 11, I beg to

"BE IT RESOLVED THAT this Honourable House records its thanks to Almighty God, and to all the people of these Islands who assisted and who continue to assist after the crisis of Hurricane Gilbert;

AND BE IT FURTHER RESOLVED THAT this Honourable House recommends that the Government of the Cayman Islands do make a contribution to aid in the relief of the devastation caused to the Island nation of Jamaica by Hurricane Gilbert."

MR. D. EZZARD MILLER:

Mr. President, I beg to second the Motion.

MR. PRESIDENT:

As we have been rather short of time to study this I will take that as a Motion to adjourn for the purpose of debate. I will put the question.

QUESTION PUT: AGREED. DEBATE ENSUED.

MR. PRESIDENT:

The Honourable the Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN:

Mr. President, I wish to signify in accordance with Standing Order 24(2), the recommendation of His Excellency The Governor that the House proceed upon this Motion.

MR. W. McKEEVA BUSH:

Mr. President, before I proceed I would like to thank you for that message and for all the messages the people of these Islands have received. I will be brief, Sir.

This is the first time I have experienced any such natural disaster. And from moving around this country for the last few days, we must be most grateful to Almighty God for His sheltering arms over us.

I have identified some 17 people in my constituency who have suffered damage to their homes - poor people who Government will have to assist. I realise that other Members have probably a lot more than I do. We have met as a Government and have taken steps to help alleviate the needs which have arisen. And I do beg our people to have patience in this crisis because it is that - a crisis. Trusting that soon we can get back to normal.

I wish to place on record thanks to some people who were not involved with the Hurricane Committee; people who went out after the storm to help put on roofs; people who went out to help temporarily clear the roads and those several young men in our districts who went to assist.

The second part of the resolution is asking that Government make a monetary contribution to the people of Jamaica who have been very unfortunate. I think that this would be the wish of the people of these Islands. I will not now name any amount, but I believe that God has been fortunate to this country and we can give something.

I would also ask, hope and trust that no one in this country will use this crisis for the sake of politics. The hand of Divine Providence has been upon us, and I believe, in my closing remarks on this that a passage of Scripture is very appropriate:

"Lord thou has been our dwelling place in all generations.

Before the mountains were brought forth, or ever thou hadst formed the earth and the world, even from everlasting to everlasting, thou art God."

(Psalm 91)

"He that dwelleth in the secret place of the most High shall abide under the shadow of the Almighty. I will say of the Lord, He is my refuge and my fortress: my God; in him will I trust.

Surely he shall deliver thee from the snare of the fowler, and from the noisome pestilence.

He shall cover thee with his feathers, and under his wings shalt thou trust: his truth shall be thy shield and buckler.

Thou shalt not be afraid for the terror by night; nor for the arrow that flieth by day;

Nor for the pestilence that walketh in darkness; nor for the destruction that wasteth at noonday. Because thou has made the Lord which is my refuge, even the most high, thy habitation."

that it will find favour with all Members.

Mr. President, I believe this resolution is most appropriate and

MR. PRESIDENT:

The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL:

Mr. President, I would like to support this resolution, and I would like to take the opportunity to speak on behalf of my district.

Unfortunately for us this was not a new experience as in 1980 we had a devastating blow from Hurricane Allen. The people were prepared.

I would like to congratulate the District Commissioner and the Disaster Preparedness Committee, which he chaired, for the kind consideration he gave to all the people and how efficiently they reacted. We had three hurricane shelters in operation with communications set up at the Aston Ruddy Centre, where over 300 people were in attendance.

The people of my district wish to express their condolences to the people of Grand Cayman for losses which they sustained. I would like also to express my appreciation to the Chairman of the Cayman Brac Power and Light Company and to his entire staff for how quickly they were able to get electricity back to all, I think by this time, the people. Immediately as the winds subsided they were on the roads clearing the lines and they were prepared.

The Superintendent of Public Works, having experienced Hurricane Allen, had located his heavy equipment in various sections of the Island, realising that roads would be blocked and it would not necessitate a long delay in clearing. The men could walk to the equipment, if they survived, and begin to clear the roads.

So I would like to congratulate all of them. I would also like to express my deep concern of what has taken place in the island of Jamaica. In my days as a seaman, I traded with Jamaica considerably and realise the benefit that Jamaica has been to the Cayman Islands. Our younger Members may not deeply appreciate what Jamaica meant to the Cayman Islands in the early days. But I do. I have many friends there, many that are still unaccounted for, but I can only hope that the outcome will not be as bad in the end as we think it is today.

Also, I have friends in Mexico. My condolences go out to those particularly in the Yucatan Peninsula for the devastation which they have suffered. I realise we are very fortunate and again this brings me to say how every grateful I think we should be to our Mother Country that we are a British Crown Colony, that we have a mother that is so thoughtful to us. We received assistance immediately after Hurricane Allen with the arrival of HMS Ceila. I cannot estimate the amount of work they did in Cayman Brac in 1980. Things would have been much worse had that war ship not arrived for in addition to the work that her crew performed ashore, she also served as a supply link between Grand Cayman and Cayman Brac.

I do not think the people of Grand Cayman really realised how much we depended on our Mother Country during Hurricane Allen, but those of us that were resident there did. And to know that the HMS Active arrived here so quickly after the blow to the Cayman Islands, again as I said, makes me fully understand and realise the great benefit we have being a British Crown Colony.

In speaking to this resolution, I too would support anything that we could do for our own people to help them overcome their losses and to help the suffering people of Jamaica. A thing that I think we might have to consider is that many of our Jamaican employees are now on work permits which have been issued on a non-renewable basis, they really have no place to go. They have no employment to go home to. I think for those that have served us faithfully if our Government could give serious consideration to possibly extending these work permits beyond their expiration dates to those are eligible for it, I think it would be a gesture of sympathy and compassion to the people of Jamaica. For them to go back to Jamaica to unemployment will create additional hardships to their families that are back in Jamaica.

I support this resolution, Mr. President.

MR. PRESIDENT:
Council.

The Honourable the Second Elected Member of Executive

HON. W. NORMAN BODDEN:

Mr. President, it is true that there is an old adage which says that charity begins at home. But bearing in mind that our ill effects from Hurricane Gilbert have been small, comparatively speaking, and also have the knowledge that there is an ongoing programme to assess our damage and to repair and replace for our own people as early as possible, there is no doubt that our people will be provided for.

There are friends of Caymanians and families of Caymanians in the Florida area and especially in the Texas area, in Port Arthur specifically, which I know have been making contributions to a fund to be sent to the Cayman Islands.

I believe that we are fortunate enough to be able to afford to render some assistance to our neighbors in Jamaica, realising how badly they have been hit by Hurricane Gilbert and remembering the strong ties that have bound us together in the past and also the dependence that we had on Jamaica for many services which we now provide for ourselves. Bearing all these in mind, as I said, I feel that we in the Cayman Islands have much to thank God for and we are fortunate enough to be able to offer assistance to Jamaica.

Mr. President, with those brief few words I support that this Government give assistance to the people of Jamaica to the maximum possible. Thank you.

MR. PRESIDENT:

The Elected Member for East End.

MR. JOHN B. McLEAN:

Mr. President, I support the Motion which is before us and truly I can say thanks to Almighty God for sparing us, the Cayman Islands, and more so, in sparing my district East End.

There is no two ways about it, my district, East End, has been battered more than any other part of Grand Cayman. But we, the people of East End, are still grateful to Almighty God and for this reason I am able to stand here today and to support what I consider a most important Motion.

On Thursday night we were able to hold a Thanksgiving Service in my district. It was put together by various Churches and although the gathering was not as large as I would have like it to be, I was pleased to know that there were many there thinking on the lines that I was.

We have just seen a storm, although a very terrible one, one which we can be grateful to God did not hit us in full strength. I would like to join others in thanking the staff of the Public Works Department, the staff of Caribbean Utilities, the staff of Cable and Wireless and also the people of my district who became united and worked together and are still working together to try to clean up the mess which the storm has left behind.

I am hoping that our Social Services Department will move as fast as the Public Works Department and the other utilities that I have mentioned, to assess the damage which has been done, so that we can get on and help those who are presently in need. This is very urgent.

I have in my district various people who have lost their homes. Some, I am aware, are covered by insurance, but there are also those that do not have insurance. I have a lady that actually had to be removed from where she was living. I was able to find an area to put her but I am appealing to Social Services to move as fast as possible, especially in my district where we did take the blunt of the storm, so that we can get things back to normal.

I would also like, on behalf of the people of East End, to acknowledge our gratitude to Her Majesty's Government for their kind words and assistance in such times.

I am also deeply concerned over the farming sector and as a Member of this Legislative Assembly and also the President of the Agricultural Society I would like extended to those especially involved commercially, whatever we can do to assist at this time. I speak of persons like Mr. Franklin Smith, Mr. John Bothwell and Mr. Otto Watler, who can be considered in these Islands, I would say, the larger farmers. From what I can see they have experience a great loss.

I am hopeful that we will see fit, if necessary, to seek aid for these individuals and to do so as soon as possible. We were just reaching an area in our farming sector where we could consider ourselves as coming forward with various crops. I would say that we are set back today to stage one, which would be several years behind, and that we must do whatever possible to put it back the way it was.

I agree that we should do whatever is possible to assist our neighbor Jamaica, who has over the years contributed to these Islands and in some way or other are still contributing. I know there are many who will disagree with this, but I support the idea and I would hope that we would also take action in this area as quickly as possible.

Once again to the powers that be, I would hope that we would keep a constant finger on our Social Services Department and let us try to clean up this mess. I for one, as a representative, is prepared to continue, as I have been doing ever since the storm, to work for my district to have it restored as it was before or better.

Thank you, Mr. President.

MR. PRESIDENT:

The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:

Mr. President, I too wish to join the previous speakers in my support for this Motion which I think is very timely.

I would wish to also extend my grateful thanks to all Members of Government who so actively helped out during this disaster and in particular, the First Official Member of Government for heading up the Committees and for overseeing the work done during this very trying time. And you Sir, as Governor, for the interest you showed in the people of the Cayman Islands. Also the Caribbean Utilities Company Limited, Radio Cayman, Cable and Wireless and the many other institutions and public companies that helped out during this time.

There are a number of people in need in the Cayman Islands. Mr. Norman Bodden and myself together with Mr. Kurt Tibbetts went around George Town and we found a number of people in need of roofs, windows and a lot of old people needing help generally around their home for cleaning up, etcetera.

We have passed this on to the Committees involved under the Chairmanship of Mr. Kirkland Nixon and the supervision of the First Official Member, and also to the Social Services Department. I would join the Member for East End in asking that the Social Services try to move on this as fast as possible. I know that a lot of paper work is required, but the work is very urgent. It needs to be done now. So we would ask that they try to get to the very urgent cases, especially those that have lost the roofs of their houses and try to get the work done as quickly as possible.

I appreciate that there are a lot that needs to be done here, but we cannot underestimate the enormity of the problem caused to the people of Jamaica. This is why I support this Motion without any hesitation.

I am also happy to report that this morning I was reliably informed that Rotary International, through the District Governor here, would like members of the various constituencies to make a report of the very needy areas of needs in the Cayman Islands and pass them on to myself or to Mr. Arthur Hunter, who is the past District Governor of the Cayman Islands, so that these can be submitted to Rotary International. They have a disaster fund and they are willing to help us out where possible. So I am asking the Members to do a listing and pass it on to myself or to Mr. Hunter or to any member of Rotary Club so that it can be processed through the District Governor.

We have always had a very close relationship with Jamaica. It is not that Jamaica is a stranger to us. Jamaica is more like a sister or brother island and when they are hurt we feel it. From the reports I am hearing and from the news I am seeing on the television they are badly hurt. We should do all in our power to help them. This is not to say that we will neglect our own people. Far be it from us to do such a thing. We will support them in every way possible as we have already indicated, but the need in Jamaica is very, very severe at this time.

I too would like to express my gratitude to Her Majesty's Government for the very prompt response to our problems here in the Cayman Islands and I think, Sir, that you should be congratulated for your quick thinking in forwarding on the Frigate to Jamaica where the need was much worst. I think that was very good indeed.

I would wish also Sir, to endorse the remarks made by the First Elected Member from Cayman Brac regarding the Jamaicans here on work permits. While we do not want to in anyway infringe the provisions of the Protection Law, I feel that in a case like this it would be only humane for us to consider extending those work permits as there is very little or nothing for them to do in Jamaica to help their

families. They will need to work to assist them where possible.

I feel that the Second Elected Member from West Bay should be commended for bringing this Motion at such a timely hour.

Thank you again, Mr. President, and I give this Motion my full support.

MR. PRESIDENT:

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, it is fitting that this Government should provide some help to the people of Jamaica. It is my understanding that after the 1932 hurricane one of the first outside agencies to give help to these Islands was the Government of Jamaica. And the 1935 Cayman Islands Report shows that one of the first loans obtained by this Government for any purpose was a loan of several hundred pounds from the Jamaican Government to help rebuild the roads and properties that were destroyed by the 1932 hurricane.

During the previous administration, Jamaica suffered from a hurricane and the Government at that time sent a gift of \$25,000 to Jamaica. The gift was well received and I am sure has been put to good use.

We recently experienced a severe hurricane. Fortunately for us this type of hurricane does not occur very often. In living memory there has only been three other hurricanes that have caused such extensive damage and they were the hurricanes of 1917, 1932, and 1944.

However, our country was, perhaps, better prepared for the trouble which we passed through at this time. Today we can be thankful and as it seems to be fitting to quote from the scriptures; "Weeping may endure for the night, but joy cometh in the morning."

I am grateful to the First Official Member of Government, The Financial Secretary who has for sometime chaired this Committee, and to the Committee which assisted him who were responsible for giving advice to people about movements of the hurricane; for the preparation of the hurricane shelters; for monitoring of the safety of people and giving help with those trapped in bad circumstances.

The entire Island has suffered. My district, being on the weather side of the Island, has received extensive damage and it is my hope that politics will not be brought into the reconstruction and the restoration programme for this hurricane.

If I was politically minded I would think it has shown its face. I received information on Thursday that 50 per cent of West Bay had already been surveyed and that the survey by Social Services was being carried out in all the other districts. I was appalled to learn on Friday that about 30 places which I visited had not seen anyone from Social Services with the exception of two. And in these two instances, one person was told that a kitchen which he had lost did not need to be replaced and the other person had received very little damage. So I took the opportunity to write a letter to the Financial Secretary asking him to see that the district of Bodden Town receives its fair share of whatever help can be given in the restoration process.

Although I did not say this in the letter I will say it now. Bodden Town has been the victim of no Government spending over the last four years, but I trust politics will be put aside and this matter, which is one of a national matter, one of an urgent matter, will be placed above the realms of politics and restoration will, for the districts of Bodden Town and East End, receive priority consideration which those districts have not received over the past four years.

The utilities in this country must come in for commendation at a time like this. Radio Cayman, Caribbean Utilities, Cable and Wireless, the Water Companies, have all performed in a manner which is of the highest order. They have gone the last mile for us and I know they will receive the eternal gratitude of the people of this country.

I am also happy that Her Majesty's Government and the United States Government have been aware of our problems, have given support, and have offered to continue to help us if there is a need.

I cannot close without mentioning the interest of the Governor of these Islands who may have experienced his first real hurricane. I had the opportunity to talk to a few people who had never seen a hurricane or had never encountered a hurricane before, and they tell me it is truly unbelievable. It is an experience which must always increase the faith of people in a supreme being. You, Sir, rose to the challenge and I know the people of the Cayman Islands will forever be grateful that you had an interest.

It is surprising what a word of comfort, a word of advice and a word of interest can do for people at times like these. So, without any hesitation, I support the Motion which is before the House and would like to say that I agree with the recommendation that the Cayman Islands make a contribution to the people of Jamaica who have suffered as we did from the effects of Hurricane Gilbert.

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

HON. THOMAS C. JEFFERSON:

Mr. President, as we are shortly pass 11 o'clock, in order to allow debate to continue if other Members wish to speak and also to allow Questions to be asked following the debate, under Standing Order 83, I move the suspension of Standing Order 23(7) and (8).

MR. PRESIDENT:

The question is that Standing Orders' be suspended in order to permit questions to be taken later in the day.

QUESTION PUT: AGREED.

THAT STANDING ORDER 23(7) AND (8) BE SUSPENDED TO ENABLE QUESTIONS TO BE TAKEN LATER DURING THE SITTING.

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President.

Mr. President, I would like to open my few remarks by quoting the first line of a favourite hymn of mine, "To God be the Glory Great Things he Hath Done".

While I am always aware of the presence of God and the fact that He is in charge and in control, I think that Hurricane Gilbert has served to reinforce that feeling of trust and confidence in Almighty God as, perhaps, nothing else could have done in my life and I am sure in the lives of all Caymanians and others who have experienced this natural disaster.

Fortunately for us it was not the disaster which several other countries have experienced and for this we have to be grateful. While I do not pray for hurricanes to come, I would hope that this particular happening in our lives has served to strengthen our faith and to cement the bond of love and unity which Caymanians have been known to have amongst themselves for as long as they have been around.

Mr. President, to think that we had so little damage done to our country, no flooding, very little as far as destruction of buildings, I heard of no vandalism in town, I heard of no break-ins. I heard of no one complaining that things have been stolen. The Islands of Cayman is a blessed place and I am so grateful to be a Caymanian.

When I read and heard of this meteorological freak which occurred in the eye of that storm immediately before it would have reached the Cayman Islands and to have heard that that split simply disappeared and the eye of that storm became one again, there were so many things which are beyond comprehension of our finite minds. But suffice it to say that we owe Almighty God not only thanks

through lip service but that this Island recognises that we have reached a stage where, in our prosperity, we have been putting more attention on the creature than the creator. And that we may have reached to a stage where our attention has been focus on the gift and we have given little time to the giver.

If this hurricane serves to reinforce and reestablish in our people a faith and trust in God, then Mr. President, Hurricane Gilbert has served us well.

Our tourist industry, on which we depend so greatly, has comparatively little damage when we think of our sister island Jamaica and all that it has suffered and even Mexico where there is so much poverty and there is such a dependence upon that industry. I feel sure that the people of these Islands will not take our blessings for granted.

You may have heard by now that during an Election year there is a tendency for a certain amount of ill will and dissension to occur in these small Islands. We have a small community and this happens. And then it takes us like three years, three and a half years for sometimes even families to really get back to loving and appreciating each other the way that they normally do. One of the things that blessed my heart was the day after the hurricane, in fact, the same day during the afternoon, to see the number of people who voluntarily were out there, in the district of West Bay at least (and I imagined this was happening all over the Islands) assisting their neighbours, driving long distances to assist other people whom they heard had severe damage. There was a feeling of unity and togetherness and love and concern. It made one's heart feel good to know that instilled deep in the heart of our Caymanian people, there is love and concern for one another.

I wish to record, as other Members have, my thanks to all who so admirably assisted during this hurricane. The National Hurricane Committee, all those who have been preparing us for months, the ads on the radio, in the newspaper, even the hurricane maps which was passed out by certain organisations, they all served to help us prepare for what we have experienced over the last week.

I think the National Hurricane Committee has done extremely well. I was pleased to know how much Caribbean Utilities had gone out of their way to assist us and during the height of the winds, while perhaps an hour had gone by after highest winds had passed over this Island, Caribbean Utilities and the trucks of Cable and Wireless were out there, risking I think, their own health in checking poles and other areas in order to assure the people of these Islands that they would get the utilities we needed on track as soon as possible.

Radio Cayman, the Director and every member of his staff are to be congratulated and should feel extremely good about themselves for the way in which they handled communications to us during this particular period of time. I think the choice of music was excellent, they were many people who said it was like having someone sitting along side of you and just simply saying we are going to make it. Radio Cayman did an extremely good job.

There were many people who assisted in this, many that we perhaps have not even known of, but I am sure that their reward will be there for all the good that they have done.

I have weathered a couple of hurricanes. I was privileged, in fact, I was extremely grateful that I was able to weather this one again in the company of my parents and believe me, it was one of the extreme blessings which I received during this whole period, just knowing that those two people were there to comfort and calm and assure me that all would go well. I was able in turn to be there to assist them during this hurricane. We were assured that the grace of God and the blessings of God would be with us again. I am thankful for the prayers of the Churches and the people of God in these Islands. And I believe that God has once again spoken to us and assured us of his presence and his protection.

There were many volunteers and while perhaps we missed naming some who should be named in this public forum I would hope that each of them recognises that the part they played was very important.

During our past dilemmas and disasters the Government of Jamaica has assisted us. From this public forum I am reminding the people of this country that we must not forget those who assisted us in reaching where we are today. I can remember when we depended on Jamaica heavily to assist us and I am sure that the Government and people of this country will do everything possible to assure that country that we are grateful to them and that we want to assist in anyway possible.

Mr. President, I can assure you that one of the things that I have heard on a number of occasions since this hurricane was the fact that the people of the Cayman Islands can still depend on the Mother Country to assist and be there when necessary. And I am sure that, again, we want to extend our grateful thanks not simply in lip service but in showing to those from that country who live here that we have appreciated everything that they have done to help us.

Personally I received quite a number of calls from people in the United States and Canada and I am sure that the concerns and assistance which has been offered by both these countries are appreciated by the people of these Islands. During this time I believe that we as a people would recognise that in all of us there is something which is genuinely human. The people of these Islands have many friends and I trust that we will not take them for granted but would recognise how much all of this means in this whole situation.

Mr. President, Cayman Airways did an admirable job and many people are grateful for all that they did, and I think you mentioned it quite well when you expressed your thanks to them for perhaps even risking their own safety in order to get people out of these Islands.

One of the areas in which I think the people of the Cayman Islands can be extremely proud, and the Caymanian Compass newspaper fittingly had one of its editorials basically dedicated to that industry, is the construction industry of these Islands. I doubt that we will have much difficulty with the Building Code. I think by now they should recognise that this government is not prepared to ram down anyone's throat any legislation other than what is for the good of this country. I must say that even in West Bay there is an old school house I am not sure but it must be over a hundred years old and I was able to go by and see that standing. The construction industry in this country has and is continuing to do a very responsible job in giving us the kinds of buildings we need to withstand the 130 - 140 mile winds which we experienced only last week.

Mr. President, while I know that nationally we may not have suffered a lot, there are certain individuals who, to them, have suffered much. I am sure that we can depend on the Department of Social Services, the Public Works Department and the other committees, and even our social service clubs to assist in lending a helping hand to farmers and others in this country who are in dire need at this time.

I have, since this hurricane came about, had in mind that we should have a national service of thanksgiving. I had already discussed it with the Pastor of our Church and a few others, even yesterday. I feel that when we can take time on an annual basis to gather our people together and advertise and promote such things as Pirates Week or Batabano or whatever in George Town, believe me, I do not think it is out of place to suggest that a national service of Thanksgiving involving every Church in this country be held in central George Town as soon as possible. In the coverage by the media of the hurricane or what we suffered or did not suffer during the hurricane, perhaps the outside world should also be made aware of our grateful thanks to God for all He has done for us.

Mr. President, I am extremely grateful. I offer to you as Governor and Mrs. Scott my thanks for your concern and for all that you have done in standing by us. I also want to offer, at this time, my thanks to my two colleagues in West Bay who so ably and willingly stood by with other volunteers in West Bay around the Hurricane Shelters, distributing food, communicating with our people and for the people of the Cayman Islands, and in particular for the district of West Bay, I would like to record our grateful thanks in this House today in accordance with this Motion as well as to indicate that I am in agreement that the Government, in as fittingly a way as possible, render assistance to the sister island of Jamaica.

Thank you, Mr. President.

MR. PRESIDENT:

Before we suspend for the tea break I would like to say that I believe that I did not mention specifically to organisations in my statement. I would now like to mention them.

The first to Cable and Wireless, although I spoke about communications I do not think that I say specifically what a fine job they did. The second was the Prison Service. The members of the Service or many of them were out with the Police and Fire Officers in the heat of the hurricane and they performed very well.

statement.

So with apologies I would like to add that to my earlier

Proceedings are now suspended for 15 minutes.

AT 11:27 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:53 A.M.

MR. PRESIDENT:

Proceedings are resumed.
The Elected Member for North Side.

MR. D. EZZARD MILLER:

Mr. President, I too would like to join fellow Members in expressing thanks and gratitude for the mercies of God and for all the assistance rendered by the Government services and the private sector during the hurricane and especially to the Hurricane Preparedness Committee who, for many years I kind of took with a grain of salt because we were getting Reports that they were doing this and doing that, certainly proved their metal when they were tested during Hurricane Gilbert.

Caribbean Utilities - I do not think words can express the gratitude that people, especially from the outlying districts like North Side and East End, have for those people because I think 1 o'clock on Wednesday we had electricity back in the district of North Side.

The country is not faced with repairing the damage. I will support anything that Government will do and can do to assist the needy people in this rebuilding process. I also feel that we have to give special consideration to the farmers who, the larger farmers have probably been set back a minimum of five years with the loss of fruit trees and other crops. But just as important, we have to give special consideration to the small farmer who feeds his family and his neighbours from their small grounds, as it is known here in Cayman. I do not believe there is a banana or sucker plant left standing in the district of North Side.

I too will support the second part of the resolve which asks that we lend whatever assistance we can to our neighboring country of Jamaica. We have a lot to be thankful for and one way of expressing that thanks is to help those that are in greater need than we are.

Mr. President, I support the Motion.

MR. PRESIDENT:

The Honourable the First Elected Member of Executive Council.

HON. BENSON O. EBANKS:

Mr. President, I also would like to lend my support to this Motion. I believe that if there were any in this country who did not have belief in some superior being prior to the hurricane, if they travelled around the country now or immediately after the hurricane in particular, and see the way in which trees, for example, fell and missed buildings which otherwise could have fallen on the buildings, it cannot but remind us of the supreme being having a hand in what went on.

I am not going to repeat all that has been said about the various utility companies and so on, I merely endorse what has been said, I think this Motion has gone on for quite a while. But as the Member responsible for Social Services, I have to comment on a few things that were said in that regard.

One Member beseeched the Government and this House that politics not enter into the restoration and reconstruction process. It is one thing to get up and extol that virtue but it is another to act accordingly. I would certainly beseech Members to practise what they preach and not introduce politics.

It was on Thursday of last week that we met informally as a Legislature and were assured that the National Hurricane Committee did include a restoration and reconstruction component. We were reminded of the way this would work. In fact we gave our approval to the plans which have been put in motion by Public Works, the Committee and Social Services to deal with it.

So I would only like to say that my understanding is that the Social Services Department have been asked to basically assess financially the persons who have received damage and to ensure, for the benefit of Public Works and the Hurricane Committee, those persons who might be covered by insurance, those that are not, those that are indigent that would have to look to Government for assistance.

Social Services, as I understand it as it was explained to us, will not and I repeat, not involve itself directly into the restoration or reconstruction process. This will be done through the auspices of the Committee using the Public Works Department who in turn, I understand, intends to use local contractors in each district.

Before I say that, I understand that Social Services Department have divided their staff into teams going around the districts doing the assessment. It is possible that 50 per cent of West Bay was, in fact, done quickly because from as early as midday on Wednesday the Second Elected Member and myself, at least, had gathered something like 15 or 16 premises that needed repairs. We had handed this in to Social Services Department. It is probably for that reason why the survey went quickly in the beginning in West Bay.

I know too that we did miss some. Not through our intention but it was missed and I am satisfied that no politics will enter into this. I would be the first Member to raise my voice if I found out that politics entered into the work of Restoration Committee. We agreed to give that Committee a chance to work. I think we should do it and let us leave politics outside of this Motion as we profess to do.

Members can help by submitting those known cases of need and damage to the Social Services Department or to the National Hurricane Committee.

I certainly support the second section of the resolve section of the Motion regarding the help to Jamaica. Jamaica has been of tremendous help to us. In fact, at one time Jamaica held certain responsibilities for us and they are like parents even though we have become more mature. We should not forget them in their time of need. I support that and I certainly support whatever we can do for our people locally. My plea would be for Members certainly to submit any known cases in their districts, but let us please leave politics out of this whole exercise as much as is humanly possible.

Thank you, Mr. President.

MR. PRESIDENT:

The Honourable the First Official Member.

HON. THOMAS C. JEFFERSON:

Mr. President, it pleases me to hear the appreciation coming from Members of this Honourable House to people involved with the execution and preparation for Hurricane Gilbert. I think all of them deserve as much praise as we can bestow on them.

In the aftermath of a Hurricane in any radio announcements and speeches on the radio it proves always to be the case, regrettably that you leave somebody out.

I think in the latest radio communication from me, although the Director of Radio Cayman is the Chairman of the Sub-Committee for Communications and his deputy Doren Miller is the Deputy Chairman, they were mentioned as thanks to the Committees and Sub-Committees but I, at this time, would also extend it generally to Radio Cayman. I think they did a splendid job. It was Radio Cayman that phoned me midday Saturday a week ago to advise of the tropical storm which then was in the Puerto Rico and the Virgin Islands area.

Mr. President, I failed too in that radio communication to mention the staff of the Prison. It was during the wee hours of Tuesday morning when the roof was blowing off the Francis Bodden Girls Home that the staff from the Prison went to their rescue.

I apologise both to Radio Cayman and to the Prison for my failure of mind to acknowledge them.

Thank you.

MR. PRESIDENT:

Would the Mover wish to reply?

MR. W. McKEEVA BUSH:

Mr. President, I wish to thank all Members for their support. I certainly concur with all the praise that has been delivered to the essential services in this country.

The Hospital staff too, I know, stood in readiness to assist. I will not go over all that has been said except to mention again Radio Cayman. I mention it because Radio Cayman was a political football back in 1975. The opposition then did their best to stop Radio Cayman from being implemented. Today that move has proven to be a wise move to say the least. It only shows that the opposition did not have the foresight and by the looks of it, even has less today.

I think the Elected Member for George Town and the Member for the Lesser Islands made a very good recommendation that the Government should look at, as much as possible, the extension of work permits. I support that wholeheartedly.

I specifically ask that we do not get into politics, but it seems that the Second Elected Member for Bodden Town could not miss the opportunity to electioneer. He comes back again blaming everyone for the things he should have done when he did not have the respect for his district to continue living in it.

Mr. President, I have asked that we do not get into political arena with this crisis but it seems that the opposition is determined to do just that. The same Member complaining, I understand, was in the Bodden Town area after the hurricane with his political running mate and Government's money should not be used for political gains of any candidate. We did not intend for political rhetoric to come into play in this Motion.

I believe that Social Services, Public Works and all other organisations in this country who are assisting in this urgent restoration programme are not being influenced by any politician or representative from West Bay, nor as far as I know, from any other district. Therefore the Member for Bodden Town, as I said, need not lay any blame for neglect of the needs of his district to Hurricane Gilbert.

I believe the people of Bodden Town can rest assured that they will not now be neglected by Government in this programme, as I believe they have been neglected for the past four years by their present Member in this House. This Government, I believe, will deal fairly with all the people of these Islands, including Bodden Town.

MR. G. HAIG BODDEN:

As they have done over the four years.

MR. W. McKEEVA BUSH:

Mr. President, the Member is agreeing with me that we have tried to do something but he did not do his job. I am glad he recognises it.

MR. PRESIDENT:

I think we should now pass on from politics in the spirit in which you yourself opened.

MR. W. McKEEVA BUSH:

Mr. President, I asked that no politics be brought into it because I know I have seen certain advertisements, I have heard certain advertisement and I know that the Opposition intends to use the Hurricane Disaster Preparedness Committee as a political football. That is why I ask that no politics should come into this crisis.

I need not prolong the House on this matter. Everyone has concurred and I believe that the country wants the Government to get on with the job.

In closing, I would only add my thanks to the Chairman and his Committee for the job that they have done. People may complain but we must remember that this is the first hurricane that I know about and that is the first hurricane in 33 years. I believe this Government has done quite a good job and have come a long ways since the early 1930s' and 1940s. Let us give God thanks that we are still in this House and able to carry on the work our people have laid on us to do.

QUESTION PUT: AGREED.

MOTION CARRIED.

PROCEEDINGS RESUMED

MR. PRESIDENT:

Although Standing Orders are not entirely clear on this point, it appears the best thing now to do is to revert to normal business on the assumption that we have adjourned and now in sitting again. Standing Orders are not very clear so I think the record should say that that Motion is specifically passed, being inserted in the Order Paper after Item 2.

So we now proceed to Item 3 - Papers, The Honourable 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 the Report of the Standing Business Committee which met on Monday the 5th of September and Wednesday, the 7th of September, 1988.

MR. PRESIDENT:

So ordered.

Thank you.

Questions - The Elected Member for East End, Question No. 39.

please.

QUESTIONS TO HONOURABLE MEMBERS

DEFERRAL OF QUESTION [S.O. 23(6)]

MR. JOHN B. McLEAN: Mr. President, it has been agreed between the Member to whom I am asking the question and myself that this question will appear on tomorrow's Order Paper.

MR. PRESIDENT: Thank you. I am sure the Business Committee will see to that. In that case we go to question No. 40, the Second Elected Member for Bodden Town please.

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

NO. 40: Can the Honourable Member say how many work permits for natives of Jamaica, Honduras, the United States of America and the United Kingdom, respectively, were terminated or issued as final for the period 1985 to 1988?

ANSWER: The number of work permits (Gainful Occupation Licences) issued as final or terminated (for cause) from 1985-1988 are as follows:-

1.	Jamaica	362
2.	Honduras	10
3.	United States	13
4.	United Kingdom	6

		391

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries, The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I wonder if the Member could say how many permits in the same categories were issued for the same period?

HON. J. LEMUEL HURLSTON: No, Mr. President, I am afraid I do not have that information readily available.

MR. W. McKEEVA BUSH: I wonder, Mr. President, whether the Member could supply the information in writing?

HON. J. LEMUEL HURLSTON: Yes, Mr. President, I could so undertake.

HON. W. NORMAN BODDEN: Could I ask a supplementary, Mr. President?

MR. PRESIDENT: I am sorry, please do. The Honourable the Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: A supplementary, Mr. President. Is it not correct that a large number of these finals, that the Third Official Member gave in his reply, were not caused by the fact that early in 1984 many applicants were issued permits for two or three years on the condition that under no circumstances would they be renewed beyond that date?

HON. J. LEMUEL HURLSTON: Mr. President, the Member is absolutely correct. Many permits were issued in the year 1984 with the expressed condition that under no circumstances would those permits be renewed at the expiration of a maximum period of three years.

MR. G. HAIG BODDEN: Mr. President, can the Honourable Member give the names of these people and the circumstances surrounding each one?

HON. J. LEMUEL HURLSTON: Mr. President, I am very sorry, if I am understanding the question correctly, the Member is asking if I could give the names of each person that amounts to the 391 and the circumstances surrounding each? Is that correct, Sir?

MR. G. HAIG BODDEN: No, just the ones that you said were terminated because they had a condition placed on them.

HON. J. LEMUEL HURLSTON: I do not have the precise total number, Sir, but I can assure you that the majority of permits who had final extensions granted to them were in that category - the very large majority.

MR. G. HAIG BODDEN: Can the Honourable Member say how many of these terminated work permits were affected by the many directives given to the Board by the Executive Council since November 1984?

HON. J. LEMUEL HURLSTON: Mr. President, the effects of the directives have to be seen as such. The Board has to make its decisions in the light of all circumstances and in the light of all directives issued to it by the Executive Council.

MR. PRESIDENT: There appears to be no more supplementaries, Question No. 41 please - The Second Elected Member for Bodden Town.

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

NO. 41: Would the Honourable Member say:

- (a) Why the programme "Open Line" is no longer aired regularly on Radio Cayman; and
- (b) Who decided to vary the programme?

- ANSWER:** (a) "Open Line" is still aired regularly, as previously on Mondays at 7:30 P.M. during the Months of September through April. The programme has always normally been discontinued May through August because of staff vacations.
- (b) Whenever the schedule is varied, as happens on occasions, it is the Director of Broadcasting who makes the decision.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: I just want to find out from the Member if he means that the programme is aired during the months of September through April or April through September?

HON. J. LEMUEL HURLSTON: Mr. President, during the months of May through August, that is the summer months, the programme is normally discontinued. After the summer months commencing September through April the next year the programme is normally continued as regularly as scheduling will permit.

MR. G. HAIG BODDEN: Mr. President, I would like to ask the Honourable Member if there were any considerable period from September through April when the programme was not aired?

HON. J. LEMUEL HURLSTON: Mr. President, there are times when, for some reasons, the programme cannot be aired. For example, we are now in the month of September and the programme has not recommenced for this season as yet, primarily because of the sitting of the Legislative Assembly, and the broadcasting in the evening of its proceedings. However, as long as the programme schedule permits, it is normally aired during the months of September through April.

MR. PRESIDENT: We will pass to Item 5, Other Business. Private Members' Motions No. 11 of 1988.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

**PRIVATE MEMBER'S MOTION NO. 11/89
FIGHT AGAINST CRIME IN THE CAYMAN ISLANDS**

(Debate continuing)

The Mover had spoken, would any other Member now wish to speak?

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: When I received the resolution I wondered what the Member was getting after. In the preamble to the resolution he talks about the increase in crime and we all, in this House, have taken note of that situation and most of us have supported measures to deal with it.

From time to time there is controversy about whether or not crimes have gone up or gone down. Statistics today tell us that there has been an increase and I do not intend to dwell on this. Statistics also tell us that there is a good clean-up rate, which means that the administration of justice in regards to criminal activity is perhaps getting on with the job.

To say that there is an increase is not an indication of any kind that the people responsible for the administration of justice in this country are happy about the level of criminal activity.

One thing for certain, I am most happy that there has been a decrease this year over last. Looking at the resolution I see that the Member is not asking for any special steps to be taken. Nothing at all. Nothing that one could say; Well yes, the Second Elected Member for Bodden Town is trying to do something about this criminal activity rather than just complaining.

That is why most resolutions are tabled in this Honourable House. It is done to get action or to do something about a situation. All the Member is doing is fulfilling his promise to set the stage for their Election campaign. This is part of their strategy. We have heard from his counterpart for George Town, and his friends in West Bay have latch on to it too, but these people should be the last group to deal with crime. But, since we are dealing with crime I will have a few things to say because as you and I know there are crimes and there are crimes.

These people would have one believe that this is the only time the country has experienced this kind of criminal activity. They are doing it to gain political mileage and begin the base of political propaganda on the streets because they know they have lost favour in certain areas. They will begin spreading this level of propaganda so as to affect the image and prestige of Cayman at this very critical time when our image, when our conduct and our examples are attracting interest all over the world.

This Government has not tried to hide the facts. There have been no fiddling around with statistics to make this Government look good. There is an increase and Government takes steps to make the country as safe as possible.

It is not as if campaigned against lawlessness and now when there is an increase we are trying to hide the facts to make Government look good. That is not the case. We campaigned against lawlessness, yes, and you can believe the position was much robbing, rape, drugs, financial racketeering and there was murder. A general state of criminal activity was very evident but only a few convictions. When this Government moved from this side of the House to the other side of the House there were crimes - yes, but the difference was that there were convictions. The criminal justice system was beginning to work.

Measures have been brought to this House to help control and tighten loose areas. Did the Member vote with us Mr. President? No! There were amendments to the Penal Code. Did the Member vote with us? No! There were amendments to the drugs Law. Did the Member vote with us? No! I, too, have stood in this seat and railed against the increase of crime. But whenever Government made a move to try to rectify it or do something that would stop crime or help to arrest the problems, McKeever Bush supported it. This Member supported it. I believe the Member is not serious in this resolution. He is looking to gain ground to keep his promise. He is certainly not asking for any special steps to be taken other than to say thanks to the people he mentioned.

The Member should check the records of this House and he will see how many times I have praised the service clubs, the Churches and Cayman Against Substance Abuse (CASA). It is well documented in this Honourable House. Mr. President, his political running mates in West Bay went out on the street and they started a campaign of propaganda against CASA saying all sorts of evil against the leaders of Cayman Against Substance Abuse. These are the kind of people they are trying to get Elected to form the next

Government. And this Member will do everything he can to see that their dreams are shattered. As the Member likes to say to see that their cookie is crumbled.

As I said, we had criminal activity when the Mover was in Executive Council. And what did he do? We cannot look at the rise in statistics in isolation. We cannot look at the rise in crimes in isolation. We must examine the history because the history of crime in this country since 1977 is well documented and it bears relation to the problem we have today. We must look at when crime took root in this country. What is crime? My dictionary tells me crime is the doing of something against the law of the land.

The fact is that in their administration they had people who did things not in keeping with the Laws of this land. One of these acts was the giving of Government contracts to a man who had sued a Member of Government and then the case was dropped. After that he was given Caymanian Status when he did not even live here. A direct crime against the Caymanian Protection Law which says one should be living in this country to get Caymanian Status. This was a crime against this country.

Another act was when the Mover of this Motion said on a public platform that a certain man had received a loan from the Industrial Development Bank, and he call the man's name. That was a breach, in my opinion, of the Bank's Confidentiality Law. That was another crime against this country.

Another act was the time the George Town man, who is linked with him again, then a Member of Executive Council, had an accident, ran and left the scene and then used the section of the Legislative Assembly (Immunities, Powers and Privileges) Law to escape trial by the court, the same man who is campaigning now against the Disaster Preparedness Committee. This was a crime. It is the height of criminality for a Government minister to use his position to escape judgement and not pay his pound of flesh to society. Yet they have the nerve to talk about crime. Crime began with their administration, it is well documented. The people of this country remembers and if they do not, yours truly will help them to.

If that was not enough for that same man, he was part of the Executive Council which gave another Member of Executive Council a Class 'A' Bank Licence which the Bank Inspector had refused. What do one call that? That was a colossal injustice. A crime of the highest order yet this same Mr. Truman Bodden, in attempting to destroy this administration's credibility, is preaching law and order today when he should have been part and parcel of seeing that those crimes were taken care of. But if the Members of Council is unpopular, at least today they should be able to hold high their heads because they are honest and that is one of the reasons I am supporting them. You can find no acts of criminality. The people of this country cannot find any act of criminality and that is saying a lot for the Members of Government at this time.

Yes, the resolution is geared for propaganda and we must treat it as such. It is geared for propaganda to smear this Government. But when one speak of crime, I ask the question is it not a crime in this country for a person who is supposed to be a top bank employee to take bank records, to give false credit cards knowing full well there is no backing for the credit cards? Is this not a crime? That happened and before November 14th, 1984, too. Now the trio with Mr. Jefferson, Jr. in West Bay is talking about crimes. They have a lot to answer for.

Mr. President, they talk about crimes but the crimes are well document. They are well documented, some of them and some of them, of course, did not see daylight. But let us examine the reasons, in this country, why crime took root in 1977 to 1984, and of course carried over in a spill effect into this administration."

Mr. President, there were a collection of at least 13 unsolved murders when this Government took office. We had that of Miss Chee Chee and that of Miss Verna Lyn Forde. There was the Legal Department in Government at that time, quite incompetent, because we saw the big drug dealers sometimes being caught, yes, but they were never convicted. Somehow the evidence did not reach the court and in their case many times when the evidence did reach the court, it was hidden under some person's chair. We remember.

We saw in those days the barefoot boys on the streets jailed for a stick of ganja. There were many double standards in justice, and yet they talk about crime on the increase. They must remember when crime started. The criminals laughed at the courts in this country while they reaped millions of dollars in illegal trade.

We remember the case of the M.V. Dreamers Dream. What a catastrophe! What a shame! What a disgrace on an administration! Was anything done about that one? Nothing was done Mr. President. We had the case of the M.V. Catalina. Was anything done about that one? No! We had the case of \$250,000 of hashish oil. Was anything done about it? Nothing was done. We had the case of the plane dropping bales of ganja. Nothing was done. We had many more drug cases, but nothing was done.

Our country was being used as a drug transshipment base. We knew it. We told the Government so. They knew it, but they did not have the will to act. Whenever they acted the administration of justice was so poor that the criminals thumbed their nose at the Law and walked out of the Court. That was the scene and is part of the history that this Government had to come to grips with.

Mr. President, we asked them for a Commission of Enquiry. What happened? They laughed at us. They told us you cannot have a Commission of Inquiry in this country. Whether I can be ruled out of order I do not know, but the biggest criminal offences in this country took place during the reign of the late Commissioner of Police to this country.

MR. PRESIDENT: I have not interrupted you yet, because I think that so far you have stuck largely to generalities. But I think that if you start to mention particular persons then you will be in breach of Standing Order 35(7). So please be careful.

MR. W. McKEEVA BUSH: I do not have my Standing Orders, Mr. President. Maybe you could remind me of it.

MR. PRESIDENT: I am sure any Member next to you would oblige. I trust that we are not going to have a debate about Standing Orders. Well, perhaps since it is lunch time, we might suspend at this point and you can study Standing Orders during the interval.

Proceedings are suspended until 2:15 p.m.

AT 12:45 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:21 P.M.

MR. PRESIDENT: Proceedings of the House are resumed.
The Second Elected Member for West Bay continuing.

MR. W. McKEEVA BUSH: Mr. President, upon taking the luncheon break I was dealing with the point of crime during the Mover's administration.

The point is that during their administration they had what they claimed was a big drug bust, known in this country as the famous 'Latin Cocaine Trial'. And they used that case to say that they had broken the back of drugs in this country, when that was most untrue. The trial and the suspected involvement of at least two high ranking police officers were detained at the Police Headquarters, and were suspended from their jobs. The administration of the Force then tried to make the Cayman public believe in one

investors to buy property in Grand Cayman. As you can see from the enclosed letter to the CIPA and other Government officials, the owners of apartments at Cayman Reef Resort faced a similar scandal where to date they have been given a run around by the bank, which has taken over the development."

Mr. President I go on to quote;

"If major institutions on this Island can laugh off the legitimate complaints of condo owners/Investors and the Government's only response is to deny its power to act at all, then I am afraid the apparent stable and safe investment environment that attracted me and so many others is gone."

This is the type of situation that we took over from the Government. Yet they have the nerve and the audacity to talk about crime. They must think that people are fools or their memories are very short.

I have always supported law and order and I challenge anyone to say otherwise. They might say it and they have said it before, but they could never bring one piece of evidence of any credibility. Without law and order there is chaos for any country and these politicians who are complaining about crime must stop talking from both sides of their mouth.

I will come back to CASA, Mr. President, because I believe that CASA, working in conjunction with Government, holds many prospects for a decline in the drug problem. What are those same candidates and the politicians doing running down the organisation of CASA and trying to smear it when the drug trade began in earnest, in their time?

Incidentally, Mr. President, the lawyer who handled the case was striped of his work permit after the people won their case. It is ironic that it is those who have helped set fire to the building and are the ones who are on the outside questioning how Members of the Fire Service are dealing with putting out the fire. It is ironic. In fact, it is a crime.

Let us not be forgetting that under the administration of the Mover and those persons on the outside today that crimes of all kinds escalated to the most unprecedented high levels in the history of these Islands. Let none forget it. There is escalation today because we came from an extraordinarily bad situation where criminal elements were given a free hand. Not only was hatred and hostility preached from this Assembly, but the unprecedented eight years of escalating criminal activities left a social downturn in this country, a social downturn which is a breeding ground for crime, just as stagnant water is a breeding ground for mosquitoes. They cannot shed that cloak of responsibilities at this time. That cloak of responsibility is wrapped tightly around the Mover who was a Member of the Executive Council in those days.

One of the first job of this Government was to try to bring any criminal element to justice. And, we are not making any claim that we are satisfied with the crimes, far from that. But the growth of crime is world wide. It is a worldwide threat and as long as we keep developing we will see criminal activity. But by God, when as a Government we try to do something, let them join us instead of castigating us.

We need the support of all the politicians, the teachers, workers of all categories, social workers, everyone, not only for the Government but for the whole country. If you see something say that you see it. If you know something, say that you know it. And when deterrent measures are working do not get up on the soap box and castigate it for political gain.

I want to read from the 1980 Cayman Islands Police Report, in reference to the state of crime:

"There was an increase in burglary offences in 1980, 218 from 183 in 1979, bearing in mind the large number of new house and condominiums built during the year, an increase of only 35 burglaries is inevitable.

Thefts increased also, again bearing in mind increasing number of visitors to the Islands each year, it will be difficult to contain crime to previous years figures."

What was their administration saying? They were saying, I believe, more or less the same thing I just said. As long as the country keeps developing we will see criminal activity. But the difference is that when, as a Government, we move against criminal activities the opposition must stand firm with us. That is the job of an opposition, not only to oppose but when measures to effect the safeguarding of the future of the country they are to join in. And if that Member has not learned that lesson now, well I am sorry, I doubt he will ever learn it.

Bearing all those things in mind I can support the resolution. My position is, while I will support or entertain legitimate criticism, the kind of bamboozled, who make up mischievous propaganda that I know they are getting ready with to try to discredit the country will get no support from me. I, in fact, will do everything to see that they do not gain the other side of this House.

Rapes, murders, all sorts of things have happened. But they happened before. I would ask whether a person could blame the Government for crime and whether if that person had a problem with a rape case could they have stopped it. If you check the records of the House the sentiment that he is asking, the only thing that he is asking, are expressed by me on several occasions, but I did not use those institutions, for propaganda purposes.

Having said that I can resolve to record our deep concern over the increase in crime and acknowledge this House' appreciation and signifies its gratitude to Cayman Against Substance Abuse, the Churches, service clubs, organisations and individuals who have assisted and continue to assist in the fight against crime. I can concur with that. All I ask the Mover to do is not to talk from both sides of his mouth. Please give them genuine support, him and his colleagues, especially CASA who has worked hard. Yet they get out there and criticise it. Some Indians say that the white man speaks with a forked tongue.

MR. PRESIDENT:

The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:

Mr. President, before commencing on this Motion I wish to make very clear that I will be dealing only with the merits and demerits of the Motion.

It is not my intention to draw on any personal experiences of any individuals, whether that person may have been convicted or not of a crime and I do not intend to get into a mud slinging match with the Mover.

I have been told that he has two speeches and one will be kept for those of us that speak against the Motion. But the records of this House will show that I have never been intimidated in this House and I believe that during my last few months for this term I will try and not make that an exception. I just hope, Sir, that in your usual way you will keep him in line.

While I can appreciate that this Motion is brought by the Second Elected Member for Bodden Town out of deep concern over the crime wave that we are now experiencing, I cannot

statement that the two officers were not involved with the great drug bust. Then he changed his mind and said that they were involved in traffic offences. But it all ended with a mistrial of the case after his famous statement on the radio which caused the mistrial, made after the American Drug Enforcement agent had testified under oath that the man they were holding had told him that he had a Police Chief on his pay roll, and had paid him 10 per cent of the drug business and 25 per cent of the cement business.

Mr. President, that is part and parcel of the great drug bust. The only one, the one that they claimed cleaned up the drug business in this country in their administration was the big drug case of 200 kilos, or was it 30 kilos, of cocaine which never got before the courts. We have to wonder about that. Where did the 30 kilos go?

It got so hot at that time that the Government had to act. They had to act and was decided that they were going to call for an investigation after the public had cried out against the apparent corruption in the country. But the public was asking for a full Commission of Enquiry about the state of affairs and of the criminal activities in this country.

The House knows and the country knows the history. They brought people down here to do the investigations after there was pressure put on and after two men had made certain allegations against certain people in Government at the time. Mr. Escarbi had been working with them and he had been arrested for cocaine and then he was given bail. Then he disappeared from this Island with his travel documents.

Then you had Mr. Escarriage. He was a very prominent fellow writing all kind of letters to the press. When Immigration finally hauled him in, he told them straight he was not leaving the Cayman Islands. He had good contacts in Government and he was going to stay here. That is all documented in the newspapers of this country and the leadership of the Force, whom they claimed cleaned up the drug act in this country, had many conversations with me. When I pressed him about Mr. Escarbi's activities he told me he could not do anything about the man. Yes! He had complaints, and I believe that those complaints are documented at the Police Station but he could not move against him because of who he was associated with.

I maintained that the leadership in the Force broke down at that time or went a little bit below what it was previously. When these Members or this Member talks about crime, they must ask themselves how the country got to be in the position and they must tell the truth. They must not fiddle with statistics. We all know what was the result of those investigations. That Government brought in people to investigate crimes and to investigate charges of corruption. The day the man that they were bringing came to this country, that same member of the Government, the Mover of this resolution, came to the Legislative Assembly and moved a vote of confidence in the man that they were going to investigate. Mr. President, tell me how could anyone find anything under those kinds of conditions? That is why drugs continue to increase.

The public demanded the investigations on the crimes and demanded that they be made public. What they did was to hide everyone of them. After giving the leadership of the Force a vote of confidence on the day he was going to be investigated, they came back in the next sitting and brought a Motion to this Legislative Assembly to hold over the heads of the Caymanian people daring anyone to say anything. If they found anything that was said they were making recommendations for the Government to spend unlimited money on this man. Holding the sword of Damocles over the heads of Caymanian people. These are the same people who are now talking about crime. What did they do when crime was so rampant in this country, when people was scared?

I maintain today, as I maintained then, that the leadership of the Force, which was the only thing the Caymanian people had as a guard against crime. The public attitude was not conducive to good leadership. And that is a fact because the very man that they brought in to report on the Force, his Report will bear me out. I believe that Sir Jeffrey Brigg's report would have borne me out too. That is why they voted in majority to keep the matter from the public.

Now today they come screaming on the eleventh hour of an Election bringing this resolution here asking that we say thanks to these people, the people that we have said thanks to so often in our four years of governing this country; the people who have prayed that they be removed from the shackles of that type of Government.

Things were bad. The Member knows it. The country remembers it. Crime had to increase. If your leadership is bad, certainly things will not end the way as far as being good is concern.

Mr. President, here they say in the resolution that we must take adequate steps and measures to protect and secure the citizens of this land. That Member was in Government for eight years. Why did they not do something then? Why did he not do something in the four years of this administration? Why did he not make recommendations, at least?

In their time people needed protection and they needed to be secure. I can never forget the death of the young policeman at the Governor's residence - two young baby boys with guns sent down to guard the Governor and one ended up dead. That was the type of leadership that we had in the country and they come talking about 'to protect and secure'. I can agree with that. That is all good and well. Why did the Member not do just that when he was a part of the Government?

If he is looking political mileage from this resolution he will fail because what they get today they will get in 1988 and what they received in 1984 - a sound thrashing at the polls and rightly so because the country was on the brink of disaster in more ways than one.

If the Member, with his colleagues on the outside, is trying to make a case that crime is worse today than it was in their time he cannot succeed, if he will tell the truth. There has been murders since 1984, but they all went before the courts. There have been drug busts of two pounds of cocaine and there has been more vigilance. The fact is that there has been more detection and clear up and I am wondering if this is not what all the hue and cry is about because the pressure is on.

Their big thing is that rape is on the increase. But alas, rape took many shapes and forms during their administration. At least today the public is allowed to talk about it. The newspapers are not strangled, the press of the country is open to criticise Government. If that had happened during their administration they would not have had work permits. We knew it. The press was under constant pressure not to even report on certain cases going to court.

There was, in my opinion, an official clamp down. No one could say anything. That was the state that we took the Government out from them under. We realise that rape has taken place, but rape took place in their time too. Rape took place in the schools in their time. I very well remember a young 15 year old girl becoming pregnant and what did Mr. Truman quickly do? Mr. Truman quickly sent off the teacher without any kind of criminal charges. One of their close friends, a foreigner, drinking and driving killed a girl on the West Bay road. Nothing was done about that. That was a crime, Mr. President. The charge could easily be made (I am not going to make it) but the charge could easily be made, that because of nepotism and cronyism, cases such as that one never reached the Courts.

We all remember the case of the financial racketeering in this country. We very well remember. I want to read from a letter written in one of the papers at the time, and I quote:

"Dear Editor:

I note with interest your editorial on Mrs. Greer being conned out of monies by condo developers and applaud your call for Government's action to stop such scandals before they destroy the image of stability and integrity that has led so many foreign

help but question, why did he not see fit to bring such a Motion before this House long before this?

The Royal Cayman Islands Police Report is made annually and has over the past years reflected an increase in crimes. This has not just happened in the year 1987, but statistics will show us that records have been kept for many years and have shown an increase in crimes. The question is, therefore, why is it being brought at the last meeting of this House, just prior to the 1988 General Elections? The people of this country will not be fooled. It is quite easy to see that this Motion when we look at the substance of the Motion, that it is only being used as a vehicle for debate.

I trust that it is not brought for mere political reasons so as to express opposition to Members of this House as this matter is much too serious to be kicked around like a political football. The preamble to this Motion states:

"WHEREAS crime has increased significantly in this country according to the Police Report 1987;

AS WHEREAS the number of convicted prisoners has also grown significantly;

AND WHEREAS adequate steps and measures to protect and secure the citizens of this land are needed;

AND WHEREAS the situation is urgent;

BE IT THEREFORE RESOLVED THAT this Honourable House records its deep concern over the increase in crime, and acknowledges its appreciation and signifies its gratitude to Cayman Against Substance Abuse (CASA), the churches, services clubs, organizations and individuals who have assisted and continue to assist in the fight against crime."

Mr. President, it is my position that the resolution to this Motion is somewhat redundant, as it only acknowledges its appreciation and signifies its gratitude to certain organisations for their efforts in their fight against crime but does not make one single recommendation as to what new measures should be taken to combat this problem.

We all are concerned about crime, as we should be, but what are we doing to try to help? Are we just sitting down and criticising the Government bench? Our Constitution provides for 12 Elected Members to this House, not just four that sit on Executive Council. What are we? What are backbenchers doing? Are we going into the homes and talking with these people that are involved with crimes? Are we assisting CASA? Are we assisting in the churches and with the service clubs?

As the Second Elected Member for West Bay said, I believe many of us talk with forked tongues. We must mean what we say. I contend this Motion is only a vehicle to discredit this Government. What are the suggestions and recommendations of the Mover to this Motion in dealing with this national problem? We want some answers from him not just criticism.

The resolve section of this Motion is saying very little. It is recording a deep concern. We are all concerned about a problem but, what are the solutions? Are we going to bury our heads in the sand and just say that we are concerned? That is not enough. We must wage a war on crime in this country and as legislators we should not use it as a political football. That type of attitude is not helping this country any. We need to get out there and do something about it.

The Mover of this Motion, the Second Elected Member for Bodden Town, provided quite a bit of statistics from the 1987 Police Report. However, in examining this Report I noticed that he had left out quite a lot of the vital information and had only used what suited his purpose. To such an extent, his omissions from this Report could render his presentation most misleading to this House and to the general public.

Part 4 of the Royal Cayman Islands Police Annual Report of 1987 provides an updated position over the past 6 years on crime statistics. These statistics show the following position from 1984 to 1987. In 1984 the total number of crimes reported was 1,367 cases. In 1985 it had increased to 1,951 cases and in 1986 to 2,668. But there was a marked decrease in 1987 when it dropped to 2,594 cases.

I am going to give some background as to the possible reason why we have had these increases. From these statistics it can be seen that the overall number of crimes reported dropped for the first time in recent years, according to the Police Report, to about 2.8 per cent or a total of 74 cases. There were 74 less cases in 1987 than in 1986.

But of continued importance is the clear up or detection rate of those crimes reported. And this improved yet further from 72 per cent in 1986 to 77 per cent in 1987. The Police Force is to be commended for the sterling job they are doing in this area of their work. I would be the last to suggest that they are perfect. None of us is perfect, Mr. President. We make our mistakes, the Police Force make their mistakes and I am not here to throw bouquets at them when they make their mistakes. But, when we see that they are doing a pretty good job in a particular area of their work, then they deserve the credit.

The statistics that I am referring to here are all contained in the Police Report, yet I did not hear the Mover of the Motion make one reference to these statistics because these would have made his Motion even more redundant. Yet the Mover who served on Executive Council for eight long years as far as the Hansards or my recollection of the Hansards of this House will show, never brought a similar Motion to this House before. Statistics will show that crimes were on the increase during that period that he sat on Executive Council.

We all have to ask, why is this Motion being brought at this time? I do not think that it is difficult to answer. It is quite clear from the resolve section of this Motion that there is no positive recommendation or suggestion in the mind of the Mover, at least he did not bring it forward here.

According to the Annual Police Report comparative statistics with other countries show that there can be few other countries in the world today with such a consistently high overall detection rate. This is something we should be proud of even though we are very concerned about the rate of crime in this country. We are happy that we have one of the highest detection rates in the world and I am going to be showing this as I move along in my debate.

The reason why the Mover could not use all these statistics is because they would not have supported his Motion, and he knows this. I am not going to castigate the Mover because I know he has his reasons for bringing this Motion. But let us call a spade a spade because we know why this Motion was brought.

The category of crime providing the biggest totals in 1987 are as follows: Drugs - there were 835 crimes, the detection rate was 810 or 97 per cent - one can not do much better than that - 97 per cent. Theft detection rate was somewhat disappointing at 37.4 per cent and so was the Burglary at 30.7 per cent, but Common Assault was at 82 per cent, and Disorderly Conduct at 99.4 per cent. One can easily see that particularly in the respect of drugs the detection rate in 1987 is almost 100 per cent.

According to the Police Report next to drugs, burglaries and

thefts remained the main problem areas. Recently we have had a major problem with rapes in this country, and even though this is not precedent or it is not the first time in this country I surely and sincerely hope that the culprits will be brought to justice.

I had one concern however and that is that the Police Department did not see fit to publish the attacks before they did. While I can appreciate the need for confidentiality in this matter, I believe that had the public known about these earlier we might have been able to deal with them more effectively and at least the victims would have had a better chance to prepare themselves for their attackers. But, despite these most unfortunate attacks by these deranged maniacs, the detection rate of overall crimes in this country has improved and has improve very significantly when compared with the previous record of the last administration.

What does seem somewhat inconsistent is that the Mover of this Motion is usually the first to criticize Government when legislative action is taken to discourage or prevent crimes in this country. I recall his objections to amendments brought to the Misuse of Drugs Law, the Penal Code, the Criminal Procedure Code and others. He is a conscientious objector and he objects to everything.

I believe in opposition because I have given the Government bench some very strong opposition on things I do not believe in. But, Mr. President, when we know that something is good for the country, why do we just object to it for opposition sake?

MR. PRESIDENT: Would it be convenient for you to break here or are you in the middle of a...

MR. LINFORD A. PIERSON: Thank you Mr. President.

MR. PRESIDENT: Proceedings suspended for 15 minutes.

AT 3:15 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:36 P.M.

MR. PRESIDENT: Proceedings are resumed. The Second Elected Member for George Town continuing.

MR. LINFORD A. PIERSON: Mr. President, before the break I had made mention of the fact that the Mover's record will show that he has objected to most matters brought before this House in the past four years, be they Bills, Motions or whatever. I felt that while I can appreciate his role as the opposition there are many worthwhile matters coming before this House that should be given his support.

Further, as mentioned earlier, I am totally at a loss as to the real purpose of this Motion. Other Private Member's Motions which have come before this House in the past four years, have attempted to accomplish something through the resolved section of the motion. The resolved section of this motion states that this Honourable House records its deep concern over the increase in crime, yet suggests or requests no action to be taken by Government. And again I must ask, what is the purpose of this Motion?

The resolution section of the Motion further states its appreciation and signifies its gratitude to CASA, the Churches, service clubs, organisations and individuals who have assisted and continue to assist in the fight against crime. The resolved section of the Motion, as I see it, is actually acknowledging that the private sector has indeed taken an active role in the fight against crime. Also, as shown from the police statistics, the detection rate over the past four years is higher than at any other time in the past twelve years. All in all, it seems that both Government and the private sector are working hand in hand in the fight against crime.

The recent amendment to the Misuse of Drugs Law established an Advisory Council to enable an even closer participation of Government with the private sector in the prevention and fight against crime in general and in the misuse of drugs in particular. What are some of the reasons that have contributed to the level of crimes in the Cayman Islands? I will touch, basically, on some of the reasons because as I see it, we have a situation of cause and effect.

In basic terms I feel that our crime rate is in direct proportion to our development in these Islands. It is one of the ill effects that accompany development which is as I mentioned, the cause and effect syndrome. In 1970 the population of this country stood at 10,000. In 1980 it had increased to 17,000 and it now stands at approximately 23,000.

These increases have brought with them bad influences and other problems. Over the past year the Caymanian population rose by only 2.4 per cent. However, the non-Caymanian population rose some 32 per cent. I think it is safe to say that much of the bad influences we see in the country today could be the result of the development and the influx of people in this country.

Mr. President, there were also more tourist visiting these Islands in 1987. For example, there were 209,000 tourist that arrived here by air in 1987, while 272,000 arrived by cruise ships. That can have a major effect on a small population. But I was pleased to see the increased vigilance taking place by Customs at the airport and at the dock, as it is my believe that most of the drugs coming to these Islands could be brought in through the ports of entry.

Mr. President, the drug problem in these Islands is not a problem only for the four Elected Members as I have said. It is the responsibility of each citizen of the Cayman Islands, including all of the other Elected Members and the Official Members of this House, if we are living in this country. We should all be staging a war on crimes in the Cayman Islands and it should not only be for a selected group. We as a country and individually should be concerned about this problem and we should try to flush out not just the little people that smoke their ganja or whatever, but the pushers and the suppliers. We must get to those in particular those associated with the use of drugs, we must get to them. And I refer to drugs because I have seen from experiences in the Courts and other places that other crimes are directly linked in most cases to drugs.

Gone I hope, are the days when it was alleged that the children of certain big shots were allowed to go free because they were the sons and daughters of certain prominent citizens. I think that the records and history will show that much of this occurred before the 14th day of November, 1984.

Perhaps the Mover of this Motion would be good enough as to enlighten this House on the number of mysterious happenings which occurred during the time he sat on Executive Council. And he may also be kind enough to explain to this House and the listening public why his Government did not do something about those mysterious crimes during their administration. I speak of Vera Lyn Forde's death which is still a mystery. Why did it have to wait until during this administration to bring Miss Chee Chee's murderer to justice?

HON. RICHARD W. GROUND: On a Point of Order that is very likely to prejudice the trial which is forthcoming..

MR. PRESIDENT: I think that is sub judice so I think we should avoid that.

MR. LINFORD A. PIERSON:

Thank you, Mr. President, that statement is withdrawn.

These are but a few of the unsolved mysteries which occurred during the last administration. And I am only pointing out that it may not always be the fault of a Government when things go wrong.

Upon reflection, Mr. President, one of these day I think I will ask for a full definition on when one rises on a Point of Order on a matter of sub judice, because my understanding of sub judice is when it will influence a judgement. Anyway this is something that we can discuss at another stage.

MR. PRESIDENT:

In fact, when the Attorney General caught my eye, I was about to bring the point up anyway so....

MR. LINFORD A. PIERSON:

Mr. President, even though there have been some bad things that have come about as a result of our development, there have also been some very good things.

On the good side, the economy of this country has never been so good.

In November, 1984, when this Government took over, we were on the verge of bankruptcy and it during those prior years a lot of people moved to selling drugs to supplement their salaries. When we take into account that funds expected from CDB had not been received until October 1984, and that there was a deficit of approximately two million dollars, our financial position when we took over on the 14th day of November, 1984 would have been a deficit of almost a million dollars. A bankrupt Government!

We know that with that situation it is usually accompanied with crime. But figures recently released by the Financial Secretary revealed that at the end of December last year the General Reserves in Surplus Accounts showed that we had a healthy position of almost \$20,000,000. All is not bad. We agree and we can accept that we have a problem with crimes in this country but there is another side of the coin also.

Further, the number of Banks and Trust Company Licences issued in the past four years increased by 11 per cent, from 459 to 508. Things are not all bad. The assets held by local banks increased by some 103 per cent, from a total of \$89,340,084 to a total of \$181,366,000 by the end of 1987. A phenomenal increase indeed.

With the good has come the bad. But we need to unite our efforts to fight the evils that have crept into our society. Let us as representatives, not use this problem as a political football. With regards to our growth the statistical abstract for 1987 conversely shows that the Consumer Price Index (CPI) had but a very small increase which is another good sign. We had an average increase over the past four years of about three per cent. It is not all bad.

In 1984, the annual increase was 3.3 per cent. In 1985 it was 2.2 per cent, 1986 it was 2.6 per cent and in 1987 4.1 per cent. If we compare this to earlier periods we see that in 1979 it was 10.3 per cent; in 1980 it was 12.6 per cent and in 1981 it had jumped to 13.8 per cent - almost a 14 per cent increase. Those are the things that strain the infrastructure of a society; those are the pressures that cause problems. They are the pressures that bring about crimes. I am not very happy that we, as a Government, have done all we could have done from a preventive point of view.

I brought Motions to this House that focused on providing facilities for the youth in this country. They were passed by this House to placate me, to keep me quiet, with the intention that nothing would be done because to date I have not seen the Community Centre that was passed some three to four years ago. I have not seen a Civic Centre that was passed some two to three years ago. Again I will say that it is a waste of the time of this House if we are going to pass Motions in this House and we do nothing about them.

What has happen to the low cost housing that was passed some two to three years ago? We are still just beginning to form a committee to deal with. While we have done quite a bit, there is still a lot to be done. I have pointed out these instances to show that we cannot sit down and feel that all is well. Of course we have done a pretty good job, but there is still much that remains to be done.

Mr. President, I recognise the invaluable services of Cayman Against Substance Abuse (CASA) also the Quest Programme which was started by the Lions and others. I feel that we will never effectively deal with drugs and other crimes until we start getting into the homes. We have to know what is happening in there. It is no use of us bringing the Social Service's staff from Canada and other places, that are adding to the life-styles of the Caymanian people. We as Caymanians, we as legislators need to get out there and find out what the problems are.

Government, through the Social Services Department and otherwise, will need to work with the service clubs, the Churches, and other organisation in waging a war. It is a fight. We cannot joke around with it. It is a fact we have to wage a war against crime. No matter whether our statistics might have shown that there were 74 less in 1987 than there were in 1986 which was a 2.8 per cent decrease, we still have a long way to go and we should be fighting to completely clean this country up.

Mr. President, I have no objections with this Motion as it stands. As I said, it appears to me to be only a vehicle for debate because it is not making any clear cut recommendations or suggestions. I, personally would have considered it of a more worthwhile use to this House if the Mover had come forward with some specific recommendations. As it is, this Motion in its present form serves very little purpose in this regard.

Nonetheless I, like most if not all of the Members of this Honourable House, recognise that there is indeed a problem. What we need are answers not mere criticisms. As I said earlier, it is the responsibility of each Member of this House, each one of us here, to come up with some solutions, not just criticisms.

The Government bench has a responsibility in this regard, but we as backbenchers also have a major responsibility. Above all, let us not use this very serious and unfortunate social problem for political rhetoric or as a political football. We are dealing with the lives of human being and the lives of our fellow Caymanians.

Mr. President, when I go to visit at the Northward Prison I am touched with what I see there. I see a lot of young people there, strong young men, mainly between the age, I would say, 18 to 30. I recognise that all is not well but I also know that much is being done to try to improve the situation. Perhaps the reasons why we have so many people there is because of that 97 per cent detection rate that I referred to earlier.

In closing let me beseech the Members of this Honourable House to try to come up with solutions to the problems we have before us and not just mere criticisms.

Thank you, Mr. President.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President.

Mr. President, the Motion before this Honourable House is one which is cause for concern. I am a little concerned as to the real reasons for the Motion coming to the House especially bearing in mind that there have been a number of occasions when legislation brought by Government which was intended to greatly assist in combating crime in the country, for the most part, was not in anyway supported by the opposition. At this late stage in the life of this House this Motion is now brought forward and it

does raise question marks in my mind.

However if indeed the Mover of the Motion is concerned about crime in the country, I can assure him that all Members share this concern and are anxious that we do everything possible to curtail what is happening in the country today.

Having said that, I believe that even the Member himself will have to agree that most of the legislation which was brought to this House in regard to stemming the tide of drug abuse in this country which, in my opinion, is the cause of the escalation of the crime rate in this country, he vehemently opposed many of the measures which had been proposed here.

A number of Members have gone into certain situations which existed prior the 1984 Election. I do not at this time wish to go into great detail, but I can assure you, Sir, if there was nothing else which resulted from the 1984 Election and the change in Government, one thing did happen and that was that the people of the Cayman Islands were greatly relieved and there was a total absence of fear within this country.

Prior to that the one thing that stands out in my mind is the underlying fear which the people of the Cayman Islands was undergoing for eight years, but in particular the last four prior to the '84 elections. I have no reason to believe that this state of affair now exists. I think that the people of Cayman are fully aware that they have a Government which can be trusted. I believe that they feel sincerely that Government has the interest of these Islands at heart; that what is done is being done not for personal gain but, primarily to assist the people of the Cayman Islands, the rich, the poor, regardless of the colour of ones skin, the people of Cayman know that they have a Government that they can trust. I believe that that in itself is cause for grateful thanks for the present administration.

Like all other Caymanians, I am concerned about the crime rate in this country but I can assure you that the detection rate has certainly gone up. There are many more cases now being brought to justice than what had hither to taken place.

As I mentioned, I will not go into detail but it has been on more than one occasion when people have questioned why certain individuals or certain members who occupy prominent places in this country were not brought to justice. In these small Islands where rumour can sometimes be rampant there is also another factor to be consider and that is that the facts also get out and people are aware of what was going on. Mr. President, that has not being happening in this Government.

The people in the Cayman Islands decided that while they were not permitted to say nor do what they might have wished to in order to rectify the situation, they had one avenue left to them. They used that God given right in November of 1984, and the majority of our people came out and voted. And, Mr. President, believe me, it is not only Alka Seltzer that spell relief. On that day in November there was a sigh of relief in this country and believe me that sense of relief has been there ever since.

While the purpose of this Motion may be a last effort on the part of the opposition to try to castigate this Government and to somehow paint a picture to the people of the Cayman Islands, that we have not been doing our job well, I have a feeling that it is a little bit too late to get such a false, deceptive idea across. While we may not be perfect, and I do not think any of us claim to be, I can assure you that this Government has acted responsibly and has tried to maintain their integrity and to uphold what traditionally in Cayman is good, clean, honest Government. If nothing else goes down in the history books of this country, the 1984 to 1988 Government has been one which could and can be trusted.

I believe that on the 16th of November possibly with all the results being tallied by the 17th of November, the people of this country will once again use their God given sense to return to this House a Government which will relieve them of the fear which existed prior to 1984.

Mr. President, on the other portion of this Motion which suggests that we acknowledge our grateful thanks to CASA and the Churches and other organisations who have been involved in the fight against crime, I too would once again, after having done so on a number of occasions, like to voice my praise and thanks to them for their efforts. I believe that something can be done about crime in this country, especially when it is so well known that most of it results from the abuse of dangerous drugs and the money which is derived from the illicit trade of dangerous drugs in this country.

The time has arrived when we can leave no stones unturned in trying to combat this plague that is world wide but also on our own door steps. It touches some of us very deeply. I for one can assure you that I have no intention of sitting back and saying that it is something that we can do nothing about and accept it.

The Churches have to put forth a combined effort. Trying to work in little factions and little groups is not what we need. We had a major combined effort. Just last Sunday, or Sunday a week ago, many people gathered to raise money to assist the less fortunate in this world and that is something which is commendable. But I think the time has arrived when such a march and such an effort and such interest must be placed in the fight against the war on drugs. Whether it be a march or whatever it takes, the people of Cayman needs to let the world know that we are here to fight against drugs.

I would hope that in the new administration we are going to see money expended to provide a rehabilitation centre and the continuation of preventative measures to be taken in order to stem the tide because if the statistics on crime which are associated with drugs in this country were in someway halted, I have been reliably informed that we would be looking at a 75 to 80 per cent reduction in the crime rate in this country.

Mr. President, I salute all the organisations so involved. I trust that with the efforts being made even recently with individuals having been sent off for training and brought back here to assist in training others that we will all get involved in this war on drugs for there are few, if any, families in Cayman that are not in some way either directly or indirectly touched by this scourge on our country.

While I recognise that there is serious cause for concern, I must once again reiterate if it is the intention of the Member to cast a black cloud over the present administration in saying that we have not tried to fight crime in this country, then I would have to say that this Motion is ill intended.

Mr. President, I support every effort to fight crime but I can only say that it has been an ongoing concern of the present administration and if returned to this House our efforts will only be doubled in order to see it curtailed.

Having said that I cannot support the Motion in its present form but I certainly would wish to record my grateful thanks, as I have, to those organisations who are helping us to fight crime. In closing I would also like to congratulate the 1984 to 1988 Government for all the efforts which they have put forward in trying to stem the tide of crime in this country.

Thank you, Sir.

MR. PRESIDENT:

Does any other Member wish to speak? (pause)

The Honourable the First Elected Member of Executive Council.

HON. BENSON O. EBANKS:

Mr. President, the Second Elected Member for West Bay in closing said that Indians say that some white people speak with forked tongues. This is the position I find myself in with this resolution in that I find the resolved section of the resolution quite innocuous, something that I can quite readily support. But the first part of the resolution on which the resolved section seems to be built I have problems with. For example, the Mover's motivation as stated in the Motion seems to be the Police Report for 1987, and the first part of the Motion says;

"WHEREAS crime has increase significantly in this country according to the Police Report 1987;"

Unfortunately, my copy of the Royal Cayman Islands Police Annual Report 1987 does not support that statement. It is only in the area of crimes against the Abuse of Drugs Law that there is significant increase in 1987. It is significant to note that even that increase is significantly less than the increases in 1985 and 1986. So one has to wonder why the Motion is being brought based on the 1987 Royal Cayman Islands Police Annual Report because if one looks at Part 4 of this Report on page 17 paragraph 70, it will be seen that the overall number of crimes dropped in 1987 as compared to 1986. It is not a dramatic drop but it is a move in the right direction. The paragraph states:

"It will be seen that the overall number of crimes reported dropped for the first time in recent years.

In 1987 there were 74 less crimes than in 1986. A reduction of 2.8 per cent. Of continued importance is the clear up or detection rate of those crimes reported and this improved yet further from 72 per cent in 1986 to 77 per cent in 1987.

There can be few other countries which such a consistently high overall detection rate."

If we go over to paragraph 74 Mr. President, we find the report reading as follows:

"Whereas a further increase in the number of drug cases, particularly cocaine related is a matter for much concern. It is a matter for some consultation that the increase of 47 per cent is not nearly so sharp as that for 1985 which was 64 per cent, or 1986 which was 219 per cent.

The feeling, generally, among experienced officers is that the peak might have been past and that matters might now begin to improve.

There is no doubt that the wide spread concern felt and expressed by all people in the local community has taken any image of glamour away from drug abuse and drug addicts. Added to this has been firm police action and harsh penalties by the Courts and the combination of all these factors seems at last to be having the desired affect."

And it goes on to say of course:

"That efforts will continue against the drug abuse problem."

So in light of those two simple paragraphs which I have read from the 1987 Report, it seems to me that the 'Whereas' sections of this Motion are not properly founded within the Report on which it is professed to be based. Again, the second 'Whereas' in the Motion reads:

"AND WHEREAS the number of convicted prisoners have also grown significantly";

Now I would have thought in a position where the overall rate of crime has not increased but convictions have increased that this is a desirable trend and this is what is reflected here. That is, that the clear up rate has moved from 72 per cent to 77 per cent. So if we have a situation where crime, generally, has not progressed but convictions have progressed I think that that is reason for optimism. It shows that the Law enforcement agencies are doing their job properly and are much more efficient. This has been the story through recent years. The detection and clear up rate has been significantly improved.

In relation to the misuse of drug increase in cases, and I do not want to be misunderstood on this because I take no special comfort in the fact that there is an increase under any circumstances. Nevertheless, I believe that the improved detection methods and increased detection rates account considerably for the increase in the number of cases recorded here as well.

I would also like to deal with the other statistics on crimes some of which are included in the Report we are dealing with and others in the statistical abstract which is made up from these Reports. I think that this is significant because, as I said, this breaks the crimes down into categories and serves to prove what has been said in the two paragraphs that I have read.

Drugs cases, generally, grew from 178 in 1985 to 568 in 1986 and 835 in 1987 with a clear up rate of 97 per cent on those. But significant again, in my opinion, is that theft dropped from 310 reported cases in 1985, to 278 report in 1987. In the case of burglary, even that increased only from 316 in 1985 to 329 in 1987 or an increase of 13 cases. So it is not something to be overly concerned about there.

Other offences against property dropped from 251 in 1985 to 222 in 1987. A significant statistic is other offences against the public and the footnote to that says 'including rape and other offences'. In 1985, the number of reported cases were 76. In 1986 we had 60 and 1987 there were 40. So these are movements in the right direction. If one took the time to analyse all of these statistics, as I have said, one would find that all serious crimes in the country, other than drug abuse crimes, have more or less decreased.

Another significant increase is, of course, in traffic offences if one is going to look at the number of court cases. But if you also look at the increased number in motor vehicles that have been registered it is not an alarming figure. So having said that, I believe, that my analysis of the first two 'Whereas' have also to show that the third 'Whereas' in the Motion which reads: "And whereas adequate steps and measures to protect and secure the citizens of this land are needed;" one would have to conclude that the Law enforcement within the country is in control of things.

If they are bringing down the number of thefts, controlling, in my opinion, the number of burglaries below a normal expected increase with population increase, decreasing other offences against property and decreasing offences against the public by almost 50 per cent in three years, then I believe that the tools and work of the Law enforcement agencies are working well. Particularly if one coupled that the clear up rate have been increased as well. For example, the clear up rate in offences against the public went from 88 per cent to 80 per cent to 95 per cent in 1987, so it seems to me that the statistics in the 1987 Report do not substantiate the allegations that are made in the Motion.

MR. PRESIDENT:
convenient that we take the adjournment now?

We have gone a little over a short deferment. Would it be

HON. BENSON O. EBANKS:

Yes, Mr. President. I am happy to have the adjournment.

MR. PRESIDENT:

If you only need five or six minutes we might go on.

HON. BENSON O. EBANKS:

No, Mr. President I think I will need a little more time.

MR. PRESIDENT:

Right. Can we then have a motion for the adjournment?

ADJOURNMENT

HON. THOMAS C. JEFFERSON:
House until 10 o'clock tomorrow morning.

Mr. President, I move the adjournment of this Honourable

QUESTION PUT: AGREED.

AT 4:44 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.
TUESDAY, 20TH SEPTEMBER, 1988.

THE CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

**THIRD MEETING OF THE 1988 SESSION
TUESDAY, 20TH SEPTEMBER, 1988
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, OBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

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, JP	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

APOLOGIES

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

**ORDER PAPER
OF THE
HONOURABLE CAYMAN ISLANDS LEGISLATIVE ASSEMBLY**

**THIRD MEETING OF THE 1988 SESSION
MONDAY
20TH SEPTEMBER, 1988
FIFTH DAY**

1. PRAYERS

To be read by the Elected Member for East End.

2. QUESTIONS TO HONOURABLE MEMBERS

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 39: Could the Honourable Member say how many Gainful Occupation Licences have been issued for the period 1985 to 1988 to Non-Caymanians or companies registered as foreign companies or companies with a Local Companies Control Licence or partnerships which are more than 40 per cent Non-Caymanian partners respectively?

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

No. 42: Would the Honourable Member state what were the terms of retirement of the two prisons' officers recently retired?

No. 43: Can the Honourable Member explain why doctors in private practice are still employed at the Government Hospital?

No. 44: Would the Honourable Member say what is the annual leave entitlement of doctors at the Government Hospital?

3. OTHER BUSINESS

(i) **PRIVATE MEMBERS' MOTIONS:-**

(1) **PRIVATE MEMBER'S MOTION NO. 11/88**
Fight against crime in the Cayman Islands

CONTINUATION OF DEBATE THEREON.

(2) **PRIVATE MEMBER'S MOTION NO. 10/88**
Amendment to the Franchise of Caribbean Utilities Co. Ltd.

To be moved by the Elected Member for North Side and
Seconded by the Second Elected Member for West Bay.

(3) **PRIVATE MEMBER'S MOTION NO. 12/88**
Apprenticeship System

To be moved by the Second Elected Member for West Bay
and Seconded by the Elected Member for North Side.

(ii) **PRIVATE BILLS:-**

READING OF PETITION:

The Church on Hospital Road (Incorporation) Bill, 1988.

4. ADJOURNMENT

To be moved by the Honourable First Official Member, Leader of Government Business.

TABLE OF CONTENTS

	PAGE
Prayers	1
Questions to Honourable Members	
Questions Nos. 39 & 42	1
Questions Nos. 43 & 44	2
Private Members Motions	
Private Member's Motion No. 11/88 Fight against Crime in the Cayman Islands Continuation of Debate	
Hon. Benson O. Ebanks	2
Capt. Mabry S. Kirkconnell	3
Mr. John B. McLean	4
Mr. G. Haig Bodden	4
Private Member's Motion No. 10/88 Amendment to the Franchise of Caribbean Utilities Co. Ltd.	
Withdrawal of Motion	11
Private Member's Motion No. 12/88 Apprenticeship System Continuation of Debate	
Mr. W. McKeeva Bush	11
Hon. W. Norman Bodden	13
Mr. D. Ezzard Miller	13 - 14
Mrs. Daphne Orrett	15
Mr. Linford A. Pierson	15 - 16
Mr. W. McKeeva Bush	17
Private Bills	
The Church on Hospital Road (Incorporation) Bill, 1988	
Petition to introduce Bill read	17
Suspension of Standing Order 62	18
First Reading	18
Second Reading	18
Third Reading	19
Adjournment	19

TUESDAY

20TH SEPTEMBER, 1988

10:16 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, Phillip 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 the light of His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT:

Proceedings of the House are resumed.

Before we proceed to Item 2 on the Order Paper there is a proposal that the House should adjourn at 3:15 this afternoon in order for a Meeting of the Finance Committee to be held, so thereafter the Committee could report to the House on the following day. I am not sure how many Members are aware of this, The Honourable First Official Member would you like to speak?

HON. THOMAS C. JEFFERSON:

Mr. President, thank you for that proposal.

In discussion with Honourable Members after speaking to, Mr. President, we decided that what might be the best course is to ask the Clerk and her staff to provide some food during lunch, and we will work through lunch in Finance Committee and then the House can resume at the usual time at 2:15 P.M..

MR. PRESIDENT:
Finance Committee.

In that case I will regret that I am not a member of the

Number 39, please.

Thank you. Questions, The Elected Member for East End

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 39:

Could the Honourable Member say how many Gainful Occupation Licences have been issued for the period 1985 to 1988 to non-Caymanian for companies registered as foreign companies, or, companies with a Local Companies (Control) Licence or, Partnerships which are more than 40 per cent non-Caymanian partners, respectively?

SUSPENSION OF STANDING ORDER 23 (8)

HON J. LEMUEL HURLSTON:

In accordance with the provisions of Standing Order 23(8),

I apologise to the House for yet again having to request the postponement, the answer not yet having been completed. If, at the end of the sitting the answer is not ready for oral answer, in accordance with this Standing Order I will propose to submit the answer in writing.

MR. JOHN B. McLEAN:

It is all right with me, Mr. President.

MR. PRESIDENT:

Thank you.

42, please.

The Second Elected Member for Bodden Town Number

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 42:

Would the Honourable Member state what were the terms of retirement of the two prison officers recently retired?

ANSWER:

The officers retired under the provisions of the Public Service Commission's Regulation 29(3). The Deputy Director handed over his duties on 8 August 1988 and was granted salary for three months in lieu of notice. The Director of Prisons will remain in the post until his successor assumes duty. Both officers will receive pensions in accordance with the Pensions Law.

SUPPLEMENTARIES:

MR. PRESIDENT:

Supplementaries.

MR. G. HAIG BODDEN:
of the monthly pensions?

I would like to ask the Member if he can give us the amount

HON. THOMAS C. JEFFERSON:

Mr. President, it is not yet known when Mr. Walsham Conolly will be retiring, but assuming that he retires at the 31 December 1988, his benefits would be a gratuity - \$44,215.94 and his pension which is a monthly payment OF \$884.32.

The benefits for Mr. Derek Ebanks are :- gratuity of \$25,900.88 and a pension which is a monthly payment of \$518.02.

MR. G. HAIG BODDEN:

retirees will receive medical benefits as well?

Mr. President, I would like to ask the Member if these

HON. THOMAS C. JEFFERSON:

Mr. President, I do not have the medical policy before me but, acting from memory, pensioners are given free treatment at the hospital in George Town.

MR. PRESIDENT:

The Elected Member for East End.

MR. JOHN B. McLEAN:

Mr. President, a supplementary. I wonder if the Member would say if a new Director of Prisons has been identified?

HON. THOMAS C. JEFFERSON:

Mr. President, the answer as I know it, is that the post has been advertised within the United Kingdom's Prison Service. A team who represents the panel of the Public Service Commission will be going across shortly to the United Kingdom to do the interviewing.

MR. JOHN B. McLEAN:

A further supplementary. I wonder if the Member could say if the officer presently relieving the Deputy Director is on a full-time basis or just on a short time?

HON. THOMAS C. JEFFERSON:

Mr. President, my information is that the Deputy Director's post is not filled.

MR. JOHN B. McLEAN:

I wonder if the Member could say, Mr. President, to whom were the duties handed over on August 8th?

HON. THOMAS C. JEFFERSON:

The duties of the Deputy Director was handed over to the Chief Officer.

MR. PRESIDENT:

Perhaps we could move on to question Number 43, the Second Elected Member for Bodden Town.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 43:

Can the Honourable Member explain why doctors in private practice are still employed at the Government hospital?

ANSWER:

The complement of doctors at the Government hospital in Grand Cayman is 13, eight of whom are general practitioners. Each of the remaining five doctors provide a specialist service which must, theoretically, be available to the public 24 hours each day. Since it is not possible for specialists to be available on a 24 hour basis, specialists from the private sector are employed from time-to-time, as deemed necessary by the Chief Medical Officer, to ensure the continuity of a high standard of care to the public.

MR. PRESIDENT:

There appear to be no supplementaries. In that case question Number 44, the Second Elected Member for Bodden Town.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO: 44:

Would the Honourable Member say what is the annual leave entitlement of doctors at the Government hospital?

ANSWER:

The grant of leave to any Government officer is a privilege, not an entitlement. The leave eligibility of Government Medical Officer is as follows:

1 - 7 years of service	20 working days leave per annum.
7 or more years of service	25 working days leave per annum.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

MR. PRESIDENT:

We move to Item 3 on today's Order Paper - Private Members Motions. Private Member's Motion Number 11/88 debate to continue, The Honourable the First Elected Member of Executive Council.

CONTINUATION OF DEBATE ON PRIVATE MEMBER'S MOTION NO. 11/88 FIGHT AGAINST CRIME IN THE CAYMAN ISLANDS

HON. BENSON O. EBANKS:

Mr. President, when the House adjourned yesterday evening I was in the process of showing, by quoting statistics from the 1987 Police Report and the Statistical Abstract that the recitals within Private Member's Motion Number 11/88 were not supported by those statistics. Specifically, I quoted statistics to show that total crimes had in fact, decreased and not increased significantly in 1987 as claimed in the Motion.

I showed, by quoting statistics, that offences against property had decreased from 251 in 1985 to 222 in 1987. That offences against the public which include such offences as rape and other sexual offences, had decreased from 76 in 1985 to 609 in 1986 to 40 in 1987. And

that simultaneously the clear-up percentages in those instances, that is, offences against the public, had risen from 88 per cent in 1985 to 95 per cent in 1987. A very desirable trend, so that the second recital the Motion which says:

"AND WHEREAS the number of convicted prisons have also grown significantly...."

As I have pointed out, a natural follow up or outflow of the increased clear up by law enforcement agencies and is a good reflection rather than a bad one in a year when crime did not increase.

Similarly, I have shown that the incidents of theft had reduced from 416 in 1986 to 278 in 1987. Burglary had reduced from 392 in 1986 to 329 in 1987.

So the point of these statistics, really, is to show that, as I said, crime has not increased in 1987, so that the Motion recital in the first 'WHEREAS' of the Motion is not supported in the statistics in the Police Report. I pointed out that the only area of increase was in crimes related to the Misuse of Drugs Law. Even there the increase in 1987 was much less dramatic than it was in 1985 and 1986.

So it would seem to me that this Motion, had it read:

"WHEREAS there has been a decrease in crime according to the Police Report in 1987", and then followed logically along and said: "THAT WHEREAS it is obvious that steps and measures to protect and secure the citizens of this land are working, that the efforts of institutions like CASA the Churches and service clubs are paying great dividends, and that we should acknowledge our grateful thanks to them."

would have been much more in order.

One final paragraph I am going to read from the report.

That is paragraph 39. Its says:

"Taking into account the comments on general matters in the previous paragraphs and the detailed analysis in the paragraphs within, which show among other things a reduction in crime and fatal accidents, and an improved detection rate, it may be concluded that 1987 was another year of solid achievement for the Royal Cayman Police."

Mr. President, having demonstrated by statistics that there has not been an increase. There has been an improvement in detection and suppression of crime. I do not want to give the impression that I do not believe anyone else in this Assembly is happy about the level of crime as it is. We are all concerned that we have no crime at all if that is possible in a society. I would like to have the Utopia that is talked about where there is no crime. But being realistic we know that is impossible, but we should not, in my opinion, unnecessarily touch the panic button about crime. As I said, the 1987 Report just does not support the charges in this Motion.

As I said at the commencement of my deliberation on this Motion, I am caught like the Second Elected Member for West Bay said during his debate about the American Indians who said that some white men speak with forked tongues. I find that this Motion causes me to speak with a forked tongue in that I cannot support the recitals in the Motion because they are not supported by any evidence that has been produced nor are they supported in the 1987 Royal Cayman Islands Police Report.

Nevertheless, the 'Resolved' section of the Motion which acknowledges appreciation and signifies gratitude to the various organisations, to wit Cayman Against Substance Abuse, the Churches, service clubs, organisations, and individuals who have assisted and continued to assist in the fight against crime, no one can object to recording such and acknowledging the valuable work that these institutions have done.

I have not proposed an amendment to the Motion, so I assume that the Motion will be accepted with the erroneous section in it which says:

".....the house records its deep concern over the increase in crime,"

because that can only spring from the recitals which have gone in the first part of the Motion and which, as I said, have no support in the statistics in that Report. But, like other Members, I would like to acknowledge with appreciation and certainly signify gratitude to Cayman Against Substance Abuse, the Churches, services clubs, organisations and individuals who have assisted and continue to assist in the fight against crime.

My view is that the 1987 Report indicates quite clearly that what the law enforcement agencies have been doing, what institutions such as are mentioned in this Motion, have been doing, are having the desired affect. My plea is that they continue to help with the fight against crime so that we can continue to see further reduction in crime.

But I do not think that we should press the panic button and get the community unnecessarily stirred up when there is nothing really, at this point, to be stirred up about in general crime according to the 1987 Police Report other than to say that I think all of us and everyone in this country must support the war on drugs until we have rid the country of this scourge. But that will never be achieved if we take away from the law enforcement agencies the legal tools which they have been given to suppress drug abuse and which has been working psychologically to deter people in the community from using or abusing drugs.

One interesting piece of statistic that comes out of this Report and the Abstract is that in spite of the increase in drug abuse cases, the number of cases for theft and burglary have reduced which seems to be really swimming against the accepted tide where drug abuse has increased. We have heard on different occasions and I have read and heard that the theft and burglaries are drug related. But it is significant to note that there has been no increase or there has been a reduction, as I said in those areas.

So with those comments I have no problem in acknowledging our appreciation and signifying our gratitude to the various organisations listed in the Motion for their invaluable assistance in the fight against crime. I thank you.

MR. PRESIDENT:
Member for the Lesser Islands.

Does any other Member wish to speak? The First Elected

CAPT. MABRY S. KIRKCONNELL:

Mr. President, I would like to take this opportunity to express my gratitude and to support the resolve section of this Motion which reads:

"BE IT THEREFORE RESOLVED THAT this Honourable House records its deep concern over the increase in crime and acknowledges its appreciation and signifies its gratitude to Cayman Against Substance Abuse, the Churches, service clubs, organisations, and individuals who have assisted and continue to assist in the fight against crime."

I have no intention of getting into any political campaigning or any debate on this subject, other than to state that I realise that alcohol and drug abuse is a very serious issue in these three Islands. I feel that any organisation or any individual that is contributing to help control this deserves a lot of credit. I give them my full support. It is now spreading over to the two Islands which I represent and it is a dangerous situation. It will destroy our youth, our leaders of tomorrow and ultimately destroy the Cayman Islands as a whole if it is not controlled. Therefore, again I would say how very much we owe to all these organisations and to our Government for the efforts which they have taken.

I congratulate the Royal Cayman Islands Police Force in the many additional convictions and the number of arrests that have been made in this. I think we must look at it, that we are somewhat moving forward when additional arrests are being made. We must realise that as our economy increases crime will also increase. But we, as a Government, must attempt to control it.

So, Mr. President, with these few words again I would like to endorse the section, but I do not really feel that this Government has, in anyway, been lax in its support of anything that could be done to try to deter the use of drugs or any illegal activities in these Islands. I congratulate our Government for the steps they have taken and all the service clubs and everyone as a united force against the drug abuse and alcohol.

Thank you, Mr. President.

MR. PRESIDENT:

The Elected Member for East End.

MR. JOHN B. McLEAN:

Mr. President, whatever I do, as long as I am a representative in this Legislative Assembly, it will always be for the betterment of my people and these beautiful Islands as a whole.

It was for this reason that I agreed to second this Motion which I thought would have met with the good wishes of each and every Member of this Legislative Assembly.

Crime has increased. This is a fact and regardless of when it happened I consider it our duty as legislators to do whatever possible to curtail it.

The Motion before the House 'Fight Against Crime in the Cayman Islands' to me is a very simple one. I have sat here and listened to the various versions of saying; "Yes, we are fighting crime in the Cayman Islands" but I wonder, why could we not have had a united front and saved ourselves lots of time by each and everyone of us supporting the Motion which is before the House? The end result is, although we have heard especially from the First Elected Member of Executive Council, he has done a very good job to not really come out and say I support the Motion. But in other words he is saying that he supports the Resolve section, which is the main section of the Motion.

Mr. President, in the Police Report for 1987, unless I am reading incorrectly, I reads:

"In 1984 there were only four cases of cocaine, by 1987 there had been an increase to 230. In 1984 total drug cases was 108, and by 1987 there had been an increase to 230. In 1984, total drug cases was 108, and by 1987 these had increased to 835."

And it goes on:

"The total number of crimes in 1983 was 1,384, 1984 had decreased to 1,367, and 1987 had increase to 2,594,"

So what is the good of us standing in here and trying to paint a picture which does not exist?

I am not, in anyway, here to talk about the police because I honestly believe that the police have been doing a fair job. I do believe that with better tools to work with the police could do even a better job. So I am not here to tear down the police. I am here to support the police and I was hoping that each of my fellow legislators would have seen it the same way.

Much has been said on the 'Resolved' section of this Motion. It was said that no recommendation was made and perhaps the Motion, which is before the House, does read in that way. The original Motion which we felt was the correct one to bring here did make a recommendation. It reads as follows:

"...that the Honourable House recommends, at an emergency meeting of Finance Committee, that consideration be given to a sum of money as an interim measure to fund the programmes of CASA, the Churches, service clubs, organisations and individuals who assist in the fight against crime."

This was the Motion which I originally supported. Although that section is not in this Motion, which is presently before the House, I honestly can see no reason why it had to be taken to the extremes it has, because we are only saying here that we show our appreciation to various person who have been fighting crime within our community.

Mr. President, I have supported CASA. As a matter of fact I am presently a member of the CASA Committee in my district. I support the idea of our Churches and our service clubs getting involved. As a matter of fact I am for a service club and whatever possible, we have been trying to do. So I cannot see why we have honestly taken to the extremes we have.

I am hoping when we put this Motion to a vote that Members who have had their say will now see the light and we can have a united front on this very, very important matter which now faces our beautiful Islands, the Cayman Islands.

Thank you, Mr. President.

MR. PRESIDENT:

Perhaps I might, at this point, explain why the Motion did not include this specific recommendation of \$.5 million to the various organisations. It is in relation to Standing Order 24(2) which requires a Governor's agreement that any Motion containing a resolution which would have the effect of a charge on the revenue. I felt that the Motion was in very broad terms, and that perhaps, Members would like to go over the ground very thoroughly and then during the course of the debate, the question of some contribution from the Revenue could well be discussed. Then later on Finance Committee could consider it if the House so wished. I trust that Members will understand that that was my reasoning.

MR. JOHN B. McLEAN:

Mr. President, yes, what I said, there was, in no way any reflections on you. I just made the point that we did make a recommendation. I am quite aware of what the Standing Order said, and thank you very much for it.

MR. PRESIDENT:

Does any other Member wish to speak? I call upon the Mover to exercise his right of reply.

MR. G. HAIG BODDEN:

Mr. President, in presenting the Motion to the House I was

extremely careful not to blame the present Government for the phenomenal increase in crime which had taken place during their administration. I also did not blame any individual for the situation. I am surprised that Members would be so conscience-stricken of their guilt that they would debate this in a manner which seem to say that I had blamed them.

On many occasions in the past, (and I will be dealing with this) I had attached some blame to them because of certain actions which obviously impelled the situation with which we are now faced. It is my firm belief that this is a timely Motion. It needed to have been brought at this time because it is my belief that the Government has not accepted the fact that crime has reached epidemic proportions.

I have been accused of bringing this Motion without any specific recommendations. It has already been cleared up as to what happened and I in no way fault you as President for making an amendment to the Motion because I believe if this Motion had sought any concrete action it would not have received too many votes. Certainly it would not have received a majority of support.

The Motion, which is before the House, simply states the position and simply recognises the support given by certain organisations. The Motion is one of merit and could be brought at anytime. I have been accused by Members who spoke on it, of not bringing this to the forefront before and bringing it now, at the last sitting of the House, on the eve of the Election. Those statements are far from being true.

In 9 out of 10 debates that I have taken part in, since the last Election, I have mentioned the increasing crime. If one searches the Throne Speech debates, the Budget debates, the debates on the Misuse of Drugs (Amendment) Law, the debates on the Penal Code (Amendment) Law and on the Criminal Procedure Code, they will find that I had mentioned the state of crime. Members acknowledged I debated those Bills. Members acknowledged that I opposed certain sections of those Bills. Yet they fall silent on the subject matter and the main theme of those debates. If I had more than four hours for my debate, I would go through all of those debates simply to prove that this has been on my mind ever since we saw the escalation, which started immediately after the November Election. But I will not burden the House with these debates. But, rather, I will deal with just one of them to show that the Motion which is here today is not something brought simply because Elections will be in a couple of months time.

I would like to refer to my debate on the Throne Speech on the 17th of February, 1987. And I quote from the Hansard of the Throne Speech. The speech began dealing with crime and it says:

"...and perhaps this is fitting, since we do have a serious crime problem" (and here I have been dealing with the 1986 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, seem to have triggered a wave of violence and other offences that are non-violent 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 mentioned 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 starfish on the Endangered Species List. I am certain that in April we will have a Private Member's Motion to put the starfish on that list and the Government Bill will follow, as night follows the day, so that the beloved little starfish 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 for West Bay is no longer on the defensive, but has become offensive in putting forward his views.

Paragraph 54 of this report is frighten. 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. Four hundred and sixteen 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 theft 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 they 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 addicts needs three or four fixes a day, we can see that the person will have a \$75 to a \$100 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 the epidemic the problem has become. In 1984 there were 100 cases of 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 was 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 where 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 drug encountered, and from experienced 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 subsidise their habits and will eventually become physically dependent and an expensive burden to society."

MR. PRESIDENT: Could I interrupt you for a moment. Is the quotation going to be a great deal longer, because we might be able to break? If you are going to finish it soon we could conclude the quotation.

MR. G. HAIG BODDEN: Mr. President, I think I had better take the break.

MR. PRESIDENT: Proceedings are suspended for 15 minutes.

AT 11:19 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:49 A.M.

MR. PRESIDENT: Proceedings are resumed.
The Second Elected Member for Bodden Town to continue, please.

MR. G. HAIG BODDEN: Mr. President, at the adjournment I had been reading a part of one speech which helps to refute the argument put forward in this Chamber that I had been sitting by quietly over the last four years.

In fact, it would have been impossible under any circumstances. While it is a rather lengthy speech, I think, in the interest of time I will curtail it and will only read one or two other paragraphs.

"In the last two years, since 1984, the Police Officers have not had a raise, with the exception of a five 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 good quality police officers, we would have to pay them a reasonable salary. We increased the salaries many fold until the police officers 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 these salaries be examined again."

And that is only one of the many ideas that have been thrown out over the last four years to improve policing in the handling of crime. So no one can truthfully say that as a Member of the Opposition I have not put out, for what it was worth, suggestions which, if the Government had had its ears to ground, would have heard.

I understand my position of being a lone voice crying in the wilderness. I accept that position and have the gracefulness not to become alarmed when no one else agrees. But I think it is always necessary that objections should be heard and should be made despite the fact that one may not be able to correct something or to remedy the situation.

We heard some Members cry, very loudly indeed, and it was a poet Emily Dickinson that said, "a wounded dear leaps highest".

Several Members, particularly the First Elected Member of Executive Council, seemed to take comfort in the fact that there was a slight decrease in crime in 1987. But one of them went so far as to say that the 'WHEREAS' section of the Motion cannot be substantiated by the 1987 Police Report. And the Member from East End dealt with this very effectively. But because there were other Members who got bogged down in statistics, I think, I should call the attention of the House to the precise wording of this Motion:

"WHEREAS crime has increased significantly in this country, according to the Police Report 1987;"

The Motion does not specifically say that there were an increase in crime in 1987. The Motion says the crime has increased significantly in this country as reported in the Police Report, 1987. I think why the two Members who got in trouble over this went astray was simply because they started to read this Report at Part 4 which deals with crime and criminal investigation, at paragraph 70. But this section starts at paragraph 68, and they choose to ignore paragraph 68 and 69 and that cannot be done. One paragraph cannot be read in isolation.

If we are going to deal with this Report we must deal with it in its entirety, and if for the purpose of debate a Member chooses to read a single paragraph, that is fine enough but he must also take into account the context in which that paragraph is set. Paragraph 68 reads:

"The tables at Appendix 'G' gives detailed particulars of crimes reported and detected in 1987 and make comparison with the previous year".

And if the Second Elected Member from George Town had read this paragraph in conjunction with paragraph 71 he would have had no difficulty in seeing the reasons why 835 drug crimes were reported in 1987 and 810 detected, a 97 per cent clear up. While for burglary only 329 crimes were reported and only 101 detected because the Report deals, as set out in paragraph 68, specifically with crimes reported and detected.

It is only logical to assume that there would be a higher detection rate on drugs than there would be on theft or burglary because when a crime is reported on a drug related matter there is normally eye witnesses. Specific people are named as the alleged criminal, while for burglaries and theft this does not apply at all because the thieves usually comes in the night when no one is around and burglaries usually occur at night, when no one is around. So that, when the crimes of theft and burglary are reported to the Police, they cannot detect and clear up all of these crimes because they have to go out and try to find the thief.

While the Police gets information on drugs, in more cases than in cases of theft or burglary, the police would be given information as to who the specific culprit is. This is why paragraph 72 of this Report is so important and completely destroys the argument of the First Elected Member of Executive Council. Paragraph 72 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."

So his argument that we have less crime and we have more people going to Northward and that is a good sign, he said, a good effect or something like that, becomes meaningless when the Police Report shows that these thefts, which although they appear to have fallen, remain the main problem areas.

The other reason why these Members try to argue that the Report does not support the resolution which is before the House, is because they have left out completely paragraph 69. That paragraph contains a Table which compares the total crimes reported over the previous five years. So, if they had studied paragraph 69 they would have seen, with clarity, that there has been, as the resolution says, a significant increase in crime. I can only say that the reason why so little emphasis had been placed on this paragraph is because this paragraph shows clearly that crimes actually fell during the period of a previous administration, from 1982 to 1984, and then rose over the next three years, from 1985 to 1987.

The figures, as set out in paragraph 69, show that in 1982 there were a total of 674 crimes reported to the police. Here again, I would like to make it clear that I am aware that there has always been crime ever since the world began, from the time Adam committed the first sin, whatever that may have been. There has been crimes and through the passage of years when the world was destroyed in the days of Noah there was abundant crime.

Here in the Cayman Islands from the time we had our first Elected Government in 1832 there were laws on the books to deal with criminals, and that has not changed. We are not saying that there were no crimes during our administration. But what the Police Report says is that during the administration from 1982 to 1984 there were a substantial reduction in crime.

In 1982, there were 1,674 crimes reported to the police. The next year, 1983, there were only 1,384 - a reduction of 290. Then in 1984, there was a small but nevertheless a very real reduction in the total number of crimes. The sorry story then starts because one year later, by the end of December, 1985, the crimes had risen to 1,951 - roughly a 50 per cent increase. In 1986 they were up again to 2,668, and slightly down in 1987 by a meagre 2.8 per cent.

Now the Government, with the help of the Information Office, tried to make a lot of this slight reduction. But a leading publication said about it, and I quote from the Newstar in February of 1988:

"Commissioner of Police, Michael Rowling's announcement that the Cayman crime rate fell in 1987, spattered the front page of the local newspaper with a banner headline one day last month. But there were a hollow ring to what should have been good news, for while the crime rate did indeed fall, it did so by an almost insignificant 2.8 per cent - marginal when one considers that the year before it increased 36.7 per cent.

The rising serpent behind this crime wave, many believe, is the ever increasing use of illegal drugs, specifically cocaine, among Cayman's youth. Reported drug offences rose 47 per cent last year."

So, if we deal with this Report in Part 4 and study carefully paragraph 68 and 69, we will see that the Report in paragraph 70 really has a hollow ring.

I congratulate the Police Force on the high detection rate shown. I believe this detection rate is simply a matter like the way the people of the Cayman Islands bounced back from Hurricane Gilbert. We were able to cope with it because of increased technology, communications, Government's involvement, and citizen's awareness. Things that were absent in 1932 when, I believe, there might not have been a radio in the Cayman Islands.

The police detection of crime is good, simply because, over previous years, our police officers have received training in detection. They have been using fingerprints, urine test, lab analyses, and, they perhaps now have a better system of recording and keeping up with criminal activity. So it is to be hoped if we are moving forward that the detection of crime will improve year by year. Naturally it follows if crime is increasing, the more cases we have the more we should have detected.

But the emphasis on crime should not be placed on detection but more on prevention and reduction. This is where, I think, the Government has fallen flat on its face in that the measures which we have seen put forward over the last four year have not work. They simply have not worked.

Members spent a lot of time talking about my objections to certain Bills which were amended - the Misuse of Drugs Bill, Penal Code, Criminal Procedure Code, but the Bills nevertheless were passed. And, do we have any results? Not if we look at the Police statistics. The results do not justify the changes which have been made.

The document I have in my hand was circulated just prior to the last Election by the three Members for West Bay. In that document, which seems to have been the sequel to their manifesto, they complained that the previous Government had made no real effort to get to the root of our drug problems. They complained that they had only mandatory prison sentences and the removal of the Court's discretion for first offenders. Of course, this was the song of the majority of Members who were elected - that the previous Government had made no real efforts to get to the root of the drug problem.

I am asking today, did the new Government get to the root of the drug problem? And the answer is, no. We only have to look at the Police Report and we will see the answer is no, because the Police Report says exactly what our Motion says - that there has been a significant increase, an alarming increase. Of course, the new Government went about its job of removing the mandatory prison sentences which were contained in the Law for drug pushers. Has their action helped? The answer again has to be no.

I think the real cause of our problem today is that the news has gotten around that we have a permissive Government that is very lenient on drug offenders. And while, in some areas, they have made it easier to get a conviction the deterrence in the form of severe penalties have been lessened. I can only lay the blame on the people who made the changes.

While Members have said that I objected to some of these changes, my answer is, yes, I objected vehemently when they removed the mandatory sentences. I objected vehemently when they liberalised the Liquor Laws and when they removed many of the restrictions. We see from the Police and newspaper Reports that the measures which they used have not worked. This is why this Motion is timely.

Whether this Assembly can take action before the House is dissolved is a question we will have to wait out. Just as we will have to wait out to see if they will be able to amend the Caymanian Protection Law, to carry out the Motion which we passed recently on Immigration matters.

I was amazed to hear the criticisms hurled at a Member of this House who is no longer with us. I can only hope that it will not occur again and that his bones will rest in peace.

The debate on this Motion has centred on one theme only by those who opposed it. They have said in no uncertain terms that this Government is not responsible for the crime. There are Members who are not even part of the Government, that have gotten up and tried to whitewash the situation.

I am glad that we live in a democracy. But, while democracies have their pleasures they also carry their pains with them, because those who have the votes, who control the Government, can take the credit when things are right. They also must take the blame when things go wrong. Those who play the game must also carry the blame and they cannot, at this time, wipe their hands clean of the position we are in, whether it be good or whether it be bad. They have had four years to shape the destiny of this country and if crime is out of proportion they must bear the blame.

In my Introduction I said there was no need to go into the long catalog of crimes set out in this Report. But Members accused me of only dealing with portions of the Report, and even at this stage in my reply I would not endeavour to recount the many problems highlighted in this Report.

But there is one important section that cannot be overlooked. It is contained in Part 1 of the Report on page one, and it is called 'The Year Under Review'. That section deals with the highlights of crime over the year. Believe me if one reads this Report one would believe that they were reading one of these detective magazines that simply catalogs crimes.

One cannot believe that this is a Report on the tranquil Cayman Islands. I will not read it but it is a catalog of horror. It tells of murder in a fashion never experienced in this country before. I think one person said that more murders had been committed in the last three years than in the prior three hundred years in these Islands. Whether it is a coincidence or not, we note that these crimes followed the reduction in the death penalty given by this administration to convicted murders.

The report highlights the seizure of four ocean going vessels....

MR. PRESIDENT: ...I think if I may interrupt you for one moment. As the Governor is the final sate to which any convicted murderer may appeal, I feel that you should explain to the House your statement about reductions in penalties, if I understood you, the reductions and penalties for convicted murders.

MR. G. HAIG BODDEN: Yes, Mr. President, I am aware of that. I would like to explain that it was the former Governor who saw fit to pardon or to commute the sentence given to these convicted people, and I would also...

MR. PRESIDENT: Thank you, thank you. If I may now comment? In that case you are out of order.

MR. W. McKEEVA BUSH: That is right!

MR. G. HAIG BODDEN: I do not understand what you are saying, Sir.

MR. PRESIDENT: You are criticizing the conduct of the Governor, and also of the person responsible for the administration of justice. I am afraid that is not permitted under Standing Orders.

MR. G. HAIG BODDEN: All right, Mr. President, I have other forums for this.

MR. W. McKEEVA BUSH: It was not an Elected Member.

MR. G. HAIG BODDEN: But it is a fact that these people were pardoned, or their sentences commuted. That is a fact, and...

MR. PRESIDENT: I think you are entitled to comment on those facts, and on the principle but I must ask you to observed the Standing Orders otherwise.

MR. G. HAIG BODDEN: Yes, Mr. President, I will do that. It is a fact that the sentences were commuted, that the death penalties were changed to life imprisonment. That is a fact. And it is also a fact that since this action took place we have had other murders.

MR. W. McKEEVA BUSH: Why do you not support justice?

MR. G. HAIG BODDEN: It is not my business to say whether it was right or wrong. The Report mentions other serious crimes. It tells about the disappearance of a person and while the Report says nothing about it, it is my comment that tracker dogs were not brought in when they may have been useful. There have been reports of other missing people and this 1987 Report is, in essence, an indictment against the Government.

We heard from one Member in particular, a recitation of many fictional crimes.

MR. W. McKEEVA BUSH: Fictional? Refute them.

MR. G. HAIG BODDEN: We hear about a Bank Licence being given by Executive Council, although the Bank Inspector did not agree and under the Law the Bank Inspector is not the person to issue licences. The Law gives that authority to Executive Council. And while they may act upon the recommendations, and normally do act upon the recommendations of the Bank Inspector, they are not bound

to follow it. So, how could that be listed as a crime committed...

MR. W. McKEEVA BUSH: That is not good enough.

MR. G. HAIG BODDEN: ...during the period of the last administration?

MR. W. McKEEVA BUSH: The two million dollars was a crime.

MR. G. HAIG BODDEN: We hear about crimes where a person was murdered. I am talking about Vera Lyn Forde. In that case a person, to my knowledge, was accused of the crime and subsequently acquitted. So how can that be held up as an evil spot against the past administration or against the administration of justice when the police investigated the case and was followed through to its conclusion? I am not going to refer to the other one because you have already ruled that should not be mentioned.

MR. W. McKEEVA BUSH: Just say it happened.

MR. G. HAIG BODDEN: The Member who brought up, what I call, these fictional cases said that we should look at when crime took root. I do not know what he means by that statement because we have had crime ever since I came to knowledge. There were Laws on the books. There were people who were tried and convicted for crimes and acquitted so one can claim that crime took root in any particular administration.

But what I can say without any fear of being contradicted, is that over the last four years we have had an escalation in crime, hitherto unknown in these Islands. We have seen that in a few short years total drug offences increased from 108 to 835. We see that in the matter of three years total crime doubled. We saw from 1984 to 1987 miscellaneous drug crimes went from four to 332; the use of cocaine from four cases in 1984 to 230 in 1987, and ganja in 1984 from 100 to 273.

So there is no doubt that there has been an alarming increase in criminal activities over the period of the last three to four years. This Motion is endeavouring, in the first 'Whereas' to highlight this picture because if we do not realise that we have a problem we can never find a solution. In fact, one writer said that if you find a problem you will find the solution because in the problem lies the answer to the solution.

We cannot get up and pretend that these increases have not taken place in our time because the figures will come back to haunt us. The statistics which are being used here are not my figures. They come from the Police Report of this Government and I believe the figures are accurate. The Report seems to be well written and from the daily articles which appear in the newspapers one can only assume that the Report is correct.

I will move on to the first, WHEREAS, but would just like to say where the resolution says that crime has increase, it is a fact that the Report bears it out. The second, WHEREAS, says that the number of convicted prisoners has also grown significantly.

It was disturbing to hear a leader of the Government speak about the increased number of prisoners in jail, and he seems to believe that the increase numbers was a good sign simply because he thinks there is less crime. If he gets more prisoners it seem that there is better detection. One would have thought that the Member who is responsible for Social Services would have, instead been greatly alarmed and tried to find out the real reason why there is an increased number of prisoners, rather than writing it off to the fact that there is better detection.

The First Elected Member for West Bay said that he had a problem with the 'Whereas' section of the Resolution. I think what he could have truthfully said is, that he was confused by it and that the confusion stems from an unwillingness to look at the situation and to admit that there is a serious problem.

Mr. President, so many things were brought into this debate that were not relevant to it that I am surprised the Members could finally come back on course in time to sit down when their speeches had been finished.

One Member spoke about the death of a policeman at the Governor's residence. This was an unfortunate accident, but nevertheless it happened. But accidents are not peculiar to any administration. I remember the accidental shooting of a twelve year old boy with a double barreled shot gun at the Town Hall in West Bay, under a previous administration, when they had a watchman at the Town Hall to keep twelve year old boys, apparently, out of the Town Hall yard. So why bring up all this nonsense and try to show that the accidental shooting of one police officer was a crime for which an administration was responsible?

MR. PRESIDENT: I wonder, it is slightly after our normal suspension, would you wish to finish now or?

MR. G. HAIG BODDEN: No, Mr. President, my wish is that I continue after lunch.

MR. PRESIDENT: Proceedings are suspended until 2:15 P.M.

AT 12:49 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:35 P.M.

MR. PRESIDENT: Proceeding of the House are resumed. Private Member's Motions, the Second Elected Member for Bodden Town continuing.

MR. G. HAIG BODDEN: Mr. President, the third 'Whereas' in the Motion reads:

"And whereas adequate steps and measures to protect and secure the citizens of this land are needed;"

If this section of the Motion had read: 'THAT WHEREAS adequate steps have not been taken by the present Government', it might have been argued, as they tried to do, that the Motion in effect, had placed the blame on them.

However, the Motion simply indicates that measures are needed to protect and secure the citizens of this land. My contention is that unless we accept the problem that we have and admit that we are plagued with a crime problem which is growing, we will never be able to find the solution and we will never be able to sit down and work out measures that will effectively correct whatever is wrong.

'AND WHEREAS the situation is urgent', reads the fourth WHEREAS of the Motion, there can be no doubt. It is not only urgent but it is important because a country

riddled with crime will not be a safe place for tourist or residents. Matters sometimes can be important without being urgent but this type of problem becomes urgent once the matter or the crimes committed are on a large scale. When we consider our population we do have an urgent and important matter to deal with.

One Member claimed that he supported the Resolved section of the Motion and thought he might have some difficulty with a forked tongue. I can assure him no such difficulty will arise because it is customary practice on these important issues to call for a division so that those that want to stand up and be counted can be counted. The resolution says:

"BE IT THEREFORE RESOLVED THAT this Honourable House records its deep concern over the increase in crime and acknowledges its appreciation and signifies its gratitude to Cayman Against Substance Abuse, the Churches, service clubs, organisations and individuals who have assisted and continue to assist in the fight against crime."

Some Members complained that the Motion does not ask for any specific action. I disagree with those statements because the resolution does seek a very specific action. It requires the House to record its deep concern over the increase in crime. This will be a forward step in the fight against crime when the Government finally admits, as in my opinion they have never admitted, that we have a real problem on our hands and perhaps a problem that should well be of top priority for a Government to handle, or at least to come to grips with.

The Motion goes on to seek other specific action that is, to acknowledge and signify our appreciation and gratitude for Cayman Against Substance Abuse.

I was certainly delighted a few days ago after this Motion had been published in the newspaper, to receive a call from the president of CASA congratulating me on putting such a Motion forward. The call increased my own faith in the merit of this Motion and this is why I find it difficult to see how the Members of this House, especially the Member responsible for Social Services, can have difficulty with accepting any part of a Motion of this nature.

It is my belief that when private citizens become involved in national issues like this one, when people like the members of CASA become involved, we have a good country. And not only CASA but the dozens of other private organisations such as the Chamber of Commerce, the Business and Professional Women's Club and many others, may be the sporting organisations that have played their part in fighting the same evil that this Motion is fighting.

It was alarming to know that the work permit for the Manager of the Chamber of Commerce was cancelled shortly after he had begun a strong campaign against the present Government. (I am not saying that this is the reason for the cancellation) But it was a loss to the Chamber of Commerce and to the business people to have this person's work permit.....

MR. PRESIDENT: I really do not think this has much to do with the Motion. Please confine yourself to the Motion.

MR. G. HAIG BODDEN: All right Mr. President, I think I have made my point anyhow.

MR. PRESIDENT: Be careful. That is challenging the Chair and I shall have to ask you to sit down if you go on like that. It is not proper to make a remark like that after the Chair has ruled. You are, in fact, challenging the rule by saying that you have made your point.

MR. G. HAIG BODDEN: Well, Mr. President, the point I make is that organisations like the Chamber of Commerce and other organisations do have a right in this country to speak out when any matter or any subject is, in their opinion, wrong.

MR. PRESIDENT: If you would give way a moment I will explain my ruling. Of course, it is right and proper that the Chamber of Commerce, or any organisation to speak up on any subject. In this case what you have done, whether intentionally or not, is impute improper motives to Members of the Government and that is what my ruling was about. If you did not mean that you may withdraw it.

MR. G. HAIG BODDEN: Mr. President, what I actually said was that the person's work permit had been cancelled. And I made it clear that this cancellation may not have been caused by the fact that he had spoken against the Government.

MR. PRESIDENT: I am sorry your actual wording was such, that it implied that, fairly clearly by stating a negative. You implied the positive. I think we will leave it at that shall we?

MR. G. HAIG BODDEN: The Motion seeks to signify its gratitude to the Churches. I believe the Churches - and there is no doubt about this - have played a vital part in the history of these Island from the time of the early settlement. I cannot see how anyone can find any difficulty in accepting this fact.

The service clubs have been mentioned, and the three major service clubs with their ancillary clubs have worked strenuously to promote the welfare of the people, particularly the youth, and have taken strong vows to help in the fight against crime.

So despite the many arguments that have been made against the Motion, the fact remains that the Motion does call for specific action. It does require that an awareness be undertaken so that we can go on record realising the problem that is here.

The strongest point, in my opinion, made against this Motion was when a Member referred to fear, which he claims existed under a previous administration. I have no knowledge of the public being afraid in the period that he mentioned. But I know that recently there has been real fear amongst the public. This fear has been expressed in letters to the newspaper. This fear has been expressed at meetings that were called and I believe it was a real fear.

One particular instance of real fear was when it was believed that a rapist was loose.

MR. W. MCKEEVA BUSH: You should leave that one alone.

MR. G. HAIG BODDEN: The other time when fear was expressed was when a directive was handed down from Executive Council which made a provision for work permits to be handed out, so as to control certain nationalities or to limit the number of people from a certain nationality. These were real fears. These were not imaginations. And I could go on for a long time on this subject and could sight many other instances but I do not think it is necessary to make the point any clearer.

Finally on this matter, the deepest concern that I have is that the statistics on crime all show that we have a serious problem with juvenile crimes. In 1987 we had some seventy odd juveniles before the Courts. This year the number has substantially increased; there being a total of

fifty cases in the first three months of this year.

We had an article recently in the Newstar magazine of March, 1988 which set out a real problem with discipline in the schools and set out an ugly picture. So...

MR. W. McKEEVA BUSH: You cannot blame that on the Government.

MR. G. HAIG BODDEN: ...the matter which is before the House is one that must be addressed shortly if we are to stem the tide.

In closing, I would like to urge Members to accept the Motion in the good faith in which it had been brought and to take from their minds the many things that were read into the Motion, which the Motion did not intend to convey, and simply accept the Motion as a tribute to those in the private sector who have given of their time and their talents to do work which they know will help this situation which we now endure.

MR. PRESIDENT: I will now put the question on the Motion.

QUESTION PUT: AYES AND NOES.

MR. W. McKEEVA BUSH: Can we have a Division, Mr. President.

MR. PRESIDENT: Clerk, would you take a Division, please?

**DIVISION
NO. 20/88**

AYES: 11

NOES: 0

Hon. Thomas C. Jefferson
Hon. Richard W. Ground
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Mr. W. McKeeva Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden
Mr. D. Ezzard Miller

PRIVATE MEMBER'S MOTION NO. 11/88 PASSED UNANIMOUSLY.

MR. PRESIDENT: The Motion is duly passed. Private Members' Motion continuing, No. 10 of 1988, the Elected Member for North Side.

**PRIVATE MEMBER'S MOTION NO. 10/88
AMENDMENT TO THE FRANCHISE OF
CARIBBEAN UTILITIES CO. LTD.**

MR. D. EZZARD MILLER: Mr. President, I beg leave of the Chair and of the Honourable House to withdraw Private Member's Motion No. 10 of 1988, which sought an amendment to the franchise of Caribbean Utilities Company Limited in light of the statement made by the Third Elected Member of Executive Council on Wednesday 7 September 1988. The first, WHEREAS, in this Motion is no longer relevant, and the objective having been achieved, I seek leave of the Chair and of the House to withdraw Private Member's Motion No. 10 of 1988.

MR. PRESIDENT: May I take it the House is prepared to give leave to the request for the withdrawal? Thank you. Motion 10/88 is withdrawn accordingly.

MOTION WITHDRAWN.

**PRIVATE MEMBER'S MOTION NO. 12/88
APPRENTICESHIP SYSTEM**

MR. PRESIDENT: Private Members' Motion continuing.
Private Member's Motion No. 12 of 1988, the Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I beg to move Private Member's Motion No. 12 of 1988 which reads as follows:

"WHEREAS there are problems in several areas of employment in the Cayman Islands which appears to be frustrating Caymanians in their educational development and career advancement;

AND WHEREAS the apprenticeship system of training would alleviate those problems;

BE IT RESOLVED THAT Government consider ways and means of introducing the apprenticeship system in the Islands."

MR. D. EZZARD MILLER: Mr. President, I beg to second the Motion.

MR. PRESIDENT: Private Member's Motion No. 12 of 1988 has been duly moved and seconded. Does the Mover wish to speak to it?

MR. W. McKEEVA BUSH: Mr. President, again today I have the pleasure of moving a

very necessary and vital resolution for the advancement of the people of these Islands. A resolution which asks for a system. This time a system of training to be created and introduced in these Islands for the educational development and career advancement of Caymanians.

When we say an apprentice we mean people in at least several categories. In these Islands we have technical levels, managerial levels and we have those below in managerial position in the private sector that, I believe, urgently need the establishment of this apprenticeship system. I believe if we do not establish such a system our people who can be trained or who have already the necessary academic requirement will be left behind. In fact, in some cases they are already being left behind. What is now necessary is for them to get the experience and that is why this resolution is before the House.

Mr. President, in the finance sector, the hotel industry and other areas, the solution to our problem has been one of overseas recruitment. This has been so, while a lot of potential which our young people possess falls by the wayside. The system today is one that if a company wants someone for a position, they are looking overseas. Then they place an advertisement in the local newspaper, and, I happen to know in many instances, (too many, in fact) no matter how many applicants write to that company they will not hire the person here.

This is where the Caymanian Protection Board comes in. After that procedure they then send in the application for the overseas applicant with a covering letter and the copies of the advertisement saying they have tried to get someone here, but without success. Any system which is set up will have to work closely with the Caymanian Protection Board or else it will not succeed. That is why I believe that there must be close liaison with the Cayman Islands Immigration Department when this system is set up here.

Mr. President, while there are companies here, which do their part in training Caymanians, there are others who do not intend to do any sort of training and they are getting away with it. The apprenticeship system, if set up, will be the avenue where these unwilling companies will have to train able Caymanians and promote them as they become capable for the job.

The apprenticeship system, as I see it, first of all will be programmed to be able to do several things:

- (1) Define types of industries to be targeted for training;
- (2) The identification of what skills the apprentice student has, and to develop a training programme in conjunction with the company, or for the company to develop a training programme in conjunction with the scheme;
- (3) To have a clear employer/expatriate and Caymanian understanding of what is expected of each one, (that is, what is expected of the employer, what is expected of the expatriate presently holding the position, and what is expected of the Caymanian understudy.)
- (4) The scheme would be to fix a maximum number of years or months of apprenticeship for each profession, and
- (5) The apprenticeship will have to, in conjunction with the companies, see to it that there are proper salary levels set while the training is in affect.

They will have to have some sort of mechanism to see that proper salaries are set, and that no company would take advantage of the system in paying a small salary. I believe that that is an important component in that apprenticeship system, because if that type of situation were allowed to happen, it would only further frustrate the position in which Caymanians now find themselves.

The employee, which the Caymanian would be understudying, might not be of the type that can teach and impart knowledge, and these two mechanisms will have to be closely monitored in order to stop frustration in the apprenticeship system. That is the areas that in my opinion could destroy chances of the system working properly.

And I go on to say that if an overseas employee is the person who the Caymanian has to depend on alone, the Caymanian could easily become frustrated and say I am getting nowhere here and thus leave the job. That, as I said, would only compound the problem.

Mr. President, in my introduction on the Motion, on the revision of the Caymanian Protection Law, I said that resolution and this one was championed. This is because I see the situation, if continuing as it is now, where overseas employees stay on long enough to obtain Caymanian Status. The Caymanian would never, ever get anywhere in some position. The Caymanian would remain frustrated, even those who went abroad to train would fall into the category where he is relegated to second place, even though he has the academic ability.

So, Mr. President, an apprenticeship system of training on the job must begin in this country. The company will sign apprenticeship agreement and the onus will be on them to ensure that the Caymanian understudy is properly trained through on-the-job training and other courses, if necessary.

My greatest fear for this country lies in what form that change will take when change comes the establishments in this country have a strangle-hold here. They do not want good labour benefits, they do not want to make a person secure at the end of his working day and the majority of them do not want to let our young Caymanians start getting what is their's by right. That attitude will cause serious repercussions in these Islands sooner or later, and, knowing the mood of the people, it might be sooner.

Caymanians are no longer willing to see their children go abroad and get good qualifications and then on his return here have him placed in second place, indefinitely. Sooner or later that will cause disgusted and hard feelings which could only disrupt the tranquility and social accord this country has been blessed with.

We are happy that our country is in a good position today, and we realise it just did not come so. It took blood, sweat and tears but we built this city and we want to continue to build so that we can continue to prosper.

Training of Caymanians to take over jobs held by overseas employees is one way to build these Islands. Let us see to it that we continue to build; continue to build with every Caymanian having a fair chance to have a part in the building of his home-land. To do that, there must be a lot of patience and a lot of understanding between all concerned. That is between the overseas employee, the Caymanian and the employer. The establishment in this country owes that much to the patrimony of these Islands.

Mr. President, nowadays it is quite a regular thing to hear; 'well that person does not want to work, that person is lazy.' That is a regular thing to hear, that is the kind of put-offs we have. In many cases that is not so. In many cases they tell us the person cannot be trained. I do not for one minute believe that, Mr. President.

Caymanians, looking at our history, went abroad as seamen the majority of them starting in the galley or the kitchen, if you may, and have worked their way up to the top on these ships. From a lowly paid galleyman to running the ship. Some of them could not even write their names when they went abroad, but they were willing to be trained. And I say today that our history, as far as that is concerned, has a bearing on those people. It has a bearing in that their offsprings, I believe the majority of them, have that same type of ability to do something against all odds.

We are aware, in closing, that there are certain situations in

the finance sector, the tourist sector and a few other sectors, but mainly these two, that militate against our people achieving their full potential. We, as legislators, must even at this hour, even at this time and at this junction in our history, make sure that these serious dislocations are dismantled. I believe then that this apprenticeship scheme is a worthwhile investment for the social and human development from which this country ought to reap dividends in the years ahead.

I trust, Mr. President, that this Motion too, will not become a political football as was tried with the revision of the Caymanian Protection Law. I trust that Members will heed to the resolution which says there are problems which are frustrating Caymanians in their educational development and career advancement. I trust that this resolution will get a fair hearing and a fair passage.

MR. PRESIDENT:

Proceedings are suspended for 15 minutes.

AT 3:22 P.M. THE HOUSE SUSPENDED

THE HOUSE RESUMED AT 3:49 P.M.

MR. PRESIDENT:

numbers.

Sorry for the small hesitation. I was simply counting

Proceedings are resumed.

Private Member's Motion No. 12 of 1988, the Mover has spoken. Does any Member wish to speak? The Honourable the Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN:

Mr. President, I rise to speak to Private Member's Motion Number 12/88, requesting that Government consider ways and means of introducing the apprenticeship system in the Cayman Islands.

I have listened carefully to the Mover of this Motion in his presentation, and I take it that, generally speaking, the main concern being expressed here is that some form of mechanism be put in place so that in the development of our country that fit, willing and able Caymanians are rightfully afforded opportunities for career advancement.

It must, of course, be fully recognised that a country as small as ours produces professionals at a rather slow rate, simply because of the availability of manpower in smaller numbers, comparatively speaking, and also because it takes an individual many years of study and hard work in order to qualify in their chosen fields.

However, while these are some of the hard facts, it must also be borne in mind that what has so far accounted for the harmony in our small country, is also due to the fact that Caymanians, at many levels, have been able to benefit and prosper from the growth and development of our own country as we all rightly should. Surely, it is not expecting too much, nor can it be considered unreasonable for a young, energetic and qualified Caymanian, after he or she has gained a certain amount of experience, to eventually replace the person to whom he or she is the second in command and who is, naturally, a work permit holder.

Mr. President, this is and must be the natural course of events in any small developing country and the Cayman Islands should be no different. This certainly, is the way that I feel that it should be within our Islands.

Now, I know that there are some companies doing business here which have given many workers every opportunity to move up the career ladder. In fact, many companies have expended large sums of money in training Caymanians to fill responsible positions in their organisations, and I sincerely take this opportunity to commend those companies for so doing. One such company that readily comes to mind is Cable & Wireless (WI) Ltd. and of course, Cayman Airways in certain departments, such as in crewing, as well as a few banks and trust companies.

I am also aware that provision is made for the Caymanian Protection Board to ask for and examine the training programmes of companies before approving work permits. And today, in spite of the many criticism aimed at the Caymanian Protection Board, I am aware of several instances where Caymanians now hold prominent positions in some companies because of the Board's insistence that if there are local persons, who prove themselves and who are good training material, then they must be given the opportunity before those companies are allowed to bring in outside workers.

So, while it is correct that this policy has helped in some instances, like everything else, it is not fool proof. It is not as effective as it could be. Some companies have only paid lip service to this requirement and have not, in my opinion, made a genuine attempt to train Caymanians for responsible positions. Perhaps, in some instances, this is because they feel very strongly and hold a preference for workers from their own respective countries to be brought in and allowed to work side by side with them.

Therefore, to my mind, there is a need for the means to be in place, whereby, in our main industries of finance and tourism and other large established companies conducting business here, that there is an understudy who is given every opportunity for career advancement, and genuinely assisted so that they can look forward to the day when that person will be filling the top position in their company. This should be seen as a two way street. As I said before, this is the key to the continuation of the harmony and congenial working relationship which have helped to build our country into the success that it is today.

In examining the whole proposal realistically, that is this Motion, all companies concerned should view the training and promotion of Caymanians as a very sound investment in the secure future of their company and likewise, a wise contribution to the continuing stability which makes the Cayman Islands a shining example in a sea of unrest, uncertainty and insecurity.

Having said all this, I must also point out that in my view, Government, in giving consideration to an apprenticeship or understudy system or whatever name the system is finally given, must also consider whether or not the overhead cost would increase as a result. Nevertheless, I do believe that some form of effective mechanism must be provided to address this need in our country today. Some system could be developed whereby annual or similar periodic reviews are made to assess the situation from time to time. In any event, it is my opinion, that this Motion is timely, it is necessary and important to the welfare of our young people and critical to the future of our developing country.

I would take this opportunity to congratulate the Second Elected Member for West Bay for bringing the Motion at this time. I support the Motion and from my Portfolio, I will give the implementation of such a system every possible support.

Thank you, Mr. President.

MR. PRESIDENT:

Member for North Side.

Does any other Member wish to speak? The Elected

MR. D. EZZARD MILLER:

12/88 which asks in the resolved section;

Mr. President, I support Private Member's Motion Number

"BE IT RESOLVED THAT Government consider ways and means of introducing the apprenticeship system in the Islands."

Now, Mr. President, the apprenticeship system that the Mover and I are envisaging is not what happened in the dark old ages where someone had to work as an apprentice for ten years to become a plumber. And we certainly do not wish to have this apprenticeship system apply only in the technical trades in Cayman. We see this as attacking a problem that is peculiar to our economic development and system which has grown in this country.

Caymanians go overseas, they get qualified academically, they come back gung ho to produce, to contribute to the country, to themselves and to the whole economic sphere. They are told that they have to have ten years experience to do a middle management job. On the other hand, we have people who have spent ten, fifteen, twenty years, in some professions and para-professions, and they are told, 'you cannot get the job because you do not have the qualifications'.

We would like to see this system work where it is used and administered in some way that people who have academic qualifications can gain the relevant experience necessary for jobs in our society. The worst things that can happen to young people who go overseas - and they have to compete in a completely different culture - they have to get used to a new way of living, and against all odds, they usually are successful in gaining their academic qualifications. We have to find a way to encourage them, to show them a career development path that they can take and to tell them they can be successful when this path is taken.

Of course, Mr. President, as was my position on the Labour Legislation as a manager, it is difficult for me to have to take steps to do this kind of thing, because if one had good management in this country none of this would be necessary. But because most of the companies and organisations in this country have always made a big profit, there is always new business coming in to increase the bottom line, they have never had to motivate their employees to produce the maximum yield for the company, nor to encourage them because under the present system if a Caymanian leaves they just apply for a work permit.

If they know that there are some Caymanians who have a BSC degree in management but he is only 26 years old, or he has an accounting degree and he has his CPA but he is only 26 years, they say they want a CPA qualification and 15 years experience. Then they advertise for this person in the paper, they get their application, they vet them and they send a note to the Caymanian Protection Board that nobody has met these qualifications. I am convinced that most of the ads which are placed in the Compass for help in this country are designed for a particular person who has already been recruited. And the Caymanians who apply are not given any consideration and that does not apply only to accountants and lawyers. That applies to secretaries, maids and everybody else. The whole spectrum!

My contention is that we have to find some way for the Protection Board to get a handle on this because I believe they are making the best possible decision with the information that they have at hand. I always encourage Caymanians who are applying for any sort of a job to copy it to the Protection Board.

But we have to find a solution to this problem to allow Caymanians the opportunity and that is all that they need - that is an opportunity. When they are given the opportunity, encouragement and reward - and speaking of reward, as the Mover mentioned, we do not envisage the apprenticeship system to be used by employers to load their payroll, just to pay somebody half price because they are apprentice but the reward must equal the job being done. Which brings me to another point.

There is evidence in this community in many fields of employment, that Caymanians are paid at one level and expatriates are paid at a higher level. Mr. President, we are all living in the same community, we are shopping at the same supermarkets. If the Caymanian does not have to pay rent, he has to pay a mortgage and he must be rewarded equally for the job he is doing that the expatriate person is being rewarded. They give them the title, we have Caymanians in the banking sector who are called trust officers, but if you manage to get into the computer you will find that the Caymanian trust officer is making \$30,000 a year and the expatriate trust officer is making \$80,000. Secretaries, they will have them under senior secretaries and they will be making \$20,000 and the foreigner who is doing the same job or less will be making \$30,000.

I would hate to see the day when the Protection Board had to demand payrolls from employers to ensure that this does not happen. But unless the employers are honest with themselves, honest with the Caymanians and are prepared to reward them we might have to resort to that. I would hate to see it. But if that is what it takes, that is what it takes.

The apprenticeship system, as I said, should give Caymanians an opportunity to get this experience. You know I have always maintained that in this country, experience is a funny thing. We have many people in this country who have, what I call, one year experience multiplied by twenty because they have been moving the same crate of fruit from the same shelf, to the same drawer for the last twenty years. Or they have been going around the office picking up the same files, taking them from the same drawer, putting the same papers in them for twenty years. That is not twenty years experience. That is one year multiplied by twenty.

But on the other hand we have young Caymanians, who are trying hard to put their academic qualifications to work, trying to get the experience to be able to perform in an acceptable level and they are not given the opportunity to perform.

Mr. President, this situation is a serious one. There are many young discontented Caymanians employed in this country. I would hasten to say that it exists in all spheres of employment in this country. It is not confined to any one particular sector. One never knows what experience the foreign people who are brought in have.

I was at a meeting a couple days ago and under oath, people had to state their experience in that particular field. And there was nobody in top management that had more than two years experience in that field other than the general manager. Yet they had Caymanians who are lower down the career ladder who have ten and fifteen years of experience in that business. And they are not even been considered for any kind of promotion or training.

The other thing that appears to be happening, which has to be stopped now, and that is that a lot of companies seems to be looking for Caymanians that they feel or they are fairly certain of will not make the grade, academically or otherwise. They are quick to promote that individual, and then they go to the Board and to us and they say, 'See I told you Caymanians cannot handle it'. And the guy who is capable of handling it is completely ignored. It is rather like the what they use to call the NUF in the 1960s in the United States - the Negroes up front. As long as the organisation had a black individual high up in management, whether he was doing anything or not, they felt they were doing their part for racial harmony.

What we have to do is to ensure that the Caymanians who are promoted are the ones who are most capable, and the one who are most likely to succeed. That is what we have to encourage. I do not believe that 'Caymanian' is a qualification for a job, but certainly they have to be given the opportunity to perform, they have to be rewarded properly for their performance, they have to be encouraged and they have to be motivated.

Mr. President, I hope that Government and the Caymanian Protection Board can find a way to somehow achieve this under the system we are proposing here. I support

the Motion.

MR. PRESIDENT:
Elected Member for West Bay.

Does any other Member wish now to speak? The Third

MR. DAPHNE L. ORRETT:
1988, in respect of an Apprenticeship System.

Thank you, Mr. President.
I rise in support of Private Member's Motion Number 12 of

The speakers, who have previously spoken, have touched upon this matter quite ably and while my remarks as usual, will be somewhat brief, I can attest to the fact that there has been and continues to be a problem in certain areas of employment in the Cayman Islands.

Mr. President, I know from experience, while I personally have not been subjected to this, that in certain places of employment that I have been in, there have been capable Caymanian women who were doing a certain job, capable of doing more responsible work, and who fill in during absences on leave or otherwise of individuals who held those higher positions. I have even, at times, spoken to one or two of my former employers and I have asked; 'Why when the times comes for promotion or the time comes for replacement, I should say, that promotion is not considered for the individual who time and time again has had to fill-in in a particular position?'

I am also aware that in certain companies, and the problem has been brought to my attention on more than one occasion by a number of Caymanian women in particular, when a question is asked, as to why the salary an expatriate is receiving is much higher than that which is paid to the Caymanian? Usually the reason given is that of the cost of living in Cayman for the expatriate, and the high rent which they have to pay, is a consideration which is given. Thus, additional moneys are paid to the expatriate employee.

Mr. President, as has been pointed out earlier, we live in the same place. If we go on vacation we pay the same amounts of moneys. I have gone to the United States and I worked there for a short period of time on three occasions and I can assure you that I got no added incentives or increments because of the fact that I was not an American. If I wanted to go on vacation I paid the same money and I got no consideration. I think that the time has long past when such flimsy excuses should be a basis on which any employer should try to justify his or her reasons for paying a Caymanian employee less than that for expatriates.

I also feel, Mr. President, that in many cases they ask for certain degree status. While this is good, and I agree that any employer would want the best employee he or she can find, if a Caymanian employee in that company has worked over a period of time and is responsible enough to carry on for four weeks during a vacation period, or three months during a maternity leave, there is absolutely no reason why such an individual cannot be given consideration for a particular position, whether or not that individual possesses a Bachelor of Arts in whatever they may be looking for or requiring.

I know for a fact that much of the experience which I have gained in the working world has been done by on-the-job training. Mind you, I was told from my very first job with Government that I was a somewhat inquisitive individual and in the particular case working with the Judge of the Grand Court, I explained to him, at that point in time, that while I wished to go overseas to university, my father, at the time, did not find it financially feasible for me to do so. His reply was, make sure you learn everything you can from the boss you work with, especially if he or she has a university degree.

Mr. President, I know that this has happened in many cases and there are Caymanian individuals who are capable with sound common sense, initiative and drive who can fill positions of seniority in many of the companies today, if they are given an opportunity to do so. While saying that, I am also, at this particular time, when institutions of higher learning are now available even in Cayman, I would be one of the first one to encourage every Caymanian who can possibly do so, to seek for and try to gain that added education or qualification which might prove necessary for him to gain advancement in his or her particular firm.

However, I think what this particular Motion is seeking to address, is a situation which I believe at this time has gotten out of hand. As I mentioned earlier, rather petty excuses are being used for certain individuals not getting the promotion or recognition that he or she deserves.

I do not advocate that because a person is a Caymanian, that is the sole criteria for him or her being considered for any promotion or recognition within a company. I think that initiative and drive should be in place and should be expected of every individual that he or she is giving their best to the company with whom they work, and that they show to the employer that they wish to get ahead. Having done that, I feel that every opportunity should be given for that individual to receive recognition within the company.

The bottom line in all this is that Caymanians are well looked after in their own country, and that there is not any underlying ill feeling or discontent which might trigger rather difficult problems in this Island. It is important that we have a peaceful, calm society and we do not wish to see any such situation develop because Caymanians who rightfully deserve to be recognised and promoted are not. And I would hope, that this Motion might, in some way, address this particular problem.

Having said that, Mr. President, I support the Motion.

MR. PRESIDENT:

The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:

Thank you, Mr. President.
My contribution on this Motion will be very short.
I support Private Member's Motion No. 12/88 on the

apprenticeship system, which reads:

"WHEREAS there are problems in several areas of employment in the Cayman Islands, which appears to be frustrating Caymanians in their educational development in career advancement;

AND WHEREAS the apprenticeship system of training would alleviate those problems;

BE IT RESOLVED THAT Government consider ways and means of introducing the apprenticeship system in the Islands."

Mr. President, regardless of our contribution to this Motion, I think we need to bear in mind that the Motion is only asking that Government consider ways and means of introducing the apprenticeship system. This really suggests that none of the discussions here, this evening, will form a conclusion but that this matter will have to be considered in its entirety by, no doubt, a Committee of this whole House, to deal with this particular matter.

There is no doubt in my mind that a number of Caymanians are frustrated under the present work ethics and codes in the Cayman Islands. I feel, as I have said in the past in this House, that Caymanians should be given an equal opportunity.

While the apprenticeship system will be a step in the right direction, we nonetheless have to be very careful that we do not make the same mistakes that have been made by some of our neighbouring countries, namely the Bahamas and other places, where they decided that once they had gained certain constitutional advancement that they would, in fact, use their nationals to fill positions, that were hitherto filled by non-Bahamians.

Mr. President, we have to be very careful that positions that are filled, individuals are capable of filling those positions, and that they are not just filled merely because the individuals happens to be a Caymanian. But having said this, I am aware of a number of cases where Caymanians have been bypassed. I am aware that it seems that positions are sometimes geared towards the individuals rather than the post. The qualifications being ask for are way outside what would be necessary to fill certain positions, and as the Member for North Side alluded, sometimes it seems that individuals are already chosen for a post, before it is properly advertised. This is not good for this country and it should be discouraged.

But we have to also bear in mind that with the Cayman Islands filling perhaps the enviable position of the leading tax haven and offshore financial centre in the world, that we must ensure that we have people of the calibre that can service our clients at all levels. We must be sure that we are not making a mistake of just filling positions with nationals merely because they are nationals.

This begs the questions of why is it that so many of our people may be experiencing some difficulty? I believe that the reason for this is that many of our school leavers have not been properly trained in the past to fill certain positions. Over the past, perhaps, eight or ten years we have seen a concentration in our schools where the emphasis seem to be placed on academics, rather than on placing the emphasis on vocational and technical training.

I wish to congratulate the First Elected Member of Council for the emphasis he has placed on this section of education and in particular the establishment of the Community College. This is indeed a step in the right direction. If we want to see our people fill their rightful positions in our society then it is our responsibility to ensure that they are properly trained. To ensure that our secretaries, our carpenters, mechanics, masons, you name it, Mr. President are trained and to also ensure that those that wish to go and qualify as professionals are qualified so that they can enter the better universities and not have to settle for universities that will accept any form of qualifications.

Mr. President, I agree with the Third Elected Member for West Bay that many times there are too many petty excuses used. I feel that it must also be a condition that professional firms and businesses are obliged to make a genuine offer of employment to Caymanians before they are allowed to bring in non-Caymanians to fill available positions in their businesses.

It is, therefore, unfair to newly qualified Caymanians to be turned down in the businesses with the excuse that they lack experience. The question is, and I have raised this in this House before, how will our people get the required experience if they are not given the opportunity? There is a lot of unrest because it is felt that some employers are merely going through the process of apparently fulfilling a requirement of the protection Law by putting an ad in the paper when, in fact, they have already chosen the individuals for the positions. This must be stopped and it must stop forthwith.

Mr. President, a situation has been recently brought to my attention where this also extends even into the field of the musicians and entertainers coming to this country. It has been my understanding that certain hoteliers will bring their own countryman from the United States and Canada and other places to the detriment of our local musicians. And that they are given extended periods for these people to perform in the Cayman Islands and our own musicians are told that they do not have the experience. They are not even given the opportunity to prove themselves, and this is wrong.

I have written to the Caymanian Protection Board on this. But, the reply I got was an insult to my intelligence. I felt that it was a matter of just putting me off. It did not deal with it properly. They referred to it as a general misconception when, in fact, the concerns expressed by these individuals are real concerns. They are not figments of imagination. They are real concerns. I got a letter from a senior officer of the Immigration Department that referred to it as a general misconception. There is no general misconception, Mr. President.

MR. PRESIDENT:
through or how...?

I was wondering whether a few minutes would see you

MR. LINFORD A. PIERSON:

Yes, Sir.

MR. PRESIDENT:

In that case, would you move for suspension?

SUSPENSION OF STANDING ORDER 10(2)

HON. THOMAS C. JEFFERSON:

Mr. President, I move under Standing Order 83, the suspension of Standing Order 10(2) to allow the business to continue until six o'clock.

MR. PRESIDENT:

Members have heard the Motion.

QUESTION PUT: AYES AND NOES.

AGREED. THAT DEBATE CONTINUE UNTIL 6.00 P.M.

MR. PRESIDENT:

Please continue.

MR. LINFORD A. PIERSON:

Thank you, Mr. President.

I will be winding up in a few second, but I could not let this opportunity pass without expressing my grave concerns about some of the situations that not only exist in the offices, in the banks and trust companies, law firms and other places but extend to other areas such as the tourism service areas, the hotels and other areas.

We have to ensure that our Immigration Department, our Protection Board and all recognise that there is a problem. We have problems with these temporary work permits being extended for indefinite periods. This is causing concern to the detriment of our musicians and entertainers and other people in this country.

Mr. President, I feel, as I said earlier, that this Motion is a very good one and is worthy of our very strong support and our consideration. I have no hesitation, in giving it my full support.

Thank you, Sir.

MR. PRESIDENT:

Does any other Member wish to speak?

reply.

In that case, would the Mover wish to exercise his right of

MR. W. McKEEVA BUSH:

Mr. President, I wish to thank the Government for accepting the resolution and to thank those Members who spoke in support. I do take note of the different points made.

Mr. President, I did not forget that there have been times when advertisements in the press have asked for five to ten years experience for certain positions and at the outcome, or at the end of the day, an expatriate who has been hired is some 19 to 25 years old, in many instances. I would have to pose the question how could they have eight or ten years experience and whether they have worked since they were eight or ten years old?

We want the best qualified people filling the important positions of our tourism and banking industries and we do not wish to compromise this position but at the same time we would wish to see Caymanian people work along side qualified expatriate officers to learn more and become fully qualified for senior positions, especially whenever Caymanian people have worked to gain, as I said before, further qualifications. They must be considered for advancement within a company.

Quite often we are told by the opposition that they had a Training School. Quite often the opposition refers to what they consider as their solution to training in this country, which they call the Trade School. That Trade School had to be revamped. There were too many things which did not make sense. For instance, at the school the Government then instituted a programme teaching steam when, as I understand it today, the country basically runs on diesel or something else. Certainly not steam.

I believe the path we must take as a Government is to train our people for jobs that are pertinent to the economies and industries in the country today. That is the kind of policy, as the Member from George Town said, that should have been introduced here years ago. That type of policy only showed that the good management and foresight the opposition keeps bragging about was nothing along the lines or conducive to good management nor any kind of exhibition of a Government with foresight.

Mr. President, while points and recommendations made here are not conclusive, this is not the end. Points made here will form the basis of what we, as Legislators, believe the country need and what we believe needs to take place in this country in order for our people to advance. This resolution is by no means conclusive. This resolution is just the beginning. That is the way I see it and the success of the scheme will depend plenty on the willingness of companies to cooperate with the scheme and the willingness for companies to assist the Government in its implementation. The scheme could be frustrated if the establishments in this country feel that they have the last say. The establishments in the country do not have the last say. We, as a Government, have the last say, or any Government.

I spoke of patience and understanding and I raised that phrase because I know that companies feel they do not have the time for training. They need to get on with building their company and offering their services. People want their companies to make money quickly. People feel that through their company they are helping to build this country.

But they must realise that there are other aspects to building a country. A balance must be struck and the human aspect must be upper-most in our minds. We are coming into a new decade and a new era, and we must go into that decade with a clear leadership and clear policies that belong to the future, not the past.

While the apprenticeship scheme is a long time idea, I believe we can devise a scheme in this country that takes us into the 1990s and beyond. I believe that an understudy system is needed for the career and educational advancement of Caymanians and when this is done here, some would say at the eleventh hour, regardless of which Government comes back in this Chamber this is a programme that must take place. It must take place not to run away any foreigner. But it must take place so that our Caymanians can be in the forefront, which is their right.

Mr. President, I will close by reminding one and all of the Jamaican festival song 'This yard is the best yard'. Let us keep it that way.

MR. PRESIDENT:

I shall put the question on this Private Member's Motion.

QUESTION PUT: AYES AND NOES.

MR. W. McKEEVA BUSH:

Can we have a Division, Mr. President?

MR. PRESIDENT:

Clerk, will you call a Division, please.

**DIVISION
NO. 21/88**

AYES: 9

NOES: 0

- Hon. Thomas C. Jefferson
- Hon. Richard W. Ground
- Hon. Benson O. Ebanks
- Hon. W. Norman Bodden
- Mr. W. McKeeva Bush
- Mrs. Daphne L. Orrett
- Mr. Linford A. Pierson
- Capt. Mabry S. Kirkconnell
- Mr. D. Ezzard Miller

PRIVATE MEMBER'S MOTION NO. 12/88 PASSED.

PRIVATE BILLS

**THE CHURCH ON HOSPITAL ROAD (INCORPORATION)
BILL, 1988**

MR. PRESIDENT:
Private Bills.

We now move to the last item on today's Order Paper.

I call upon the Honourable the Second Elected Member of Executive Council to read the petition in relation to the Church on Hospital Road (Incorporation) Bill, 1988.

HON. W. NORMAN BODDEN:

In the Legislative Assembly of the Cayman Islands September, 1988 Session the Church on Hospital Road (Incorporation) Law, 1988 petitioned for leave to introduce a Bill.

"Unto the Honourable President and Members of the Legislative Assembly of the Cayman Islands, THE HUMBLE PETITION of The Church on Hospital Road by its duly authorised agent, Truman M. Bodden of Truman Bodden and Company of P.O. Box 866 George Town, Grand Cayman, Cayman Islands.

RESPECTFULLY SHOWETH:

That your Petitioner has caused the Bill of which a copy is hereunto annexed to be prepared for giving effect to the purposes set forth in the preamble of such Bill. The objects and reasons of the Bill are as follows:-

The object of this Bill is to create a body corporate in which shall be vested such property real and personal already acquired by or held in trust for or which may after the passage of the Bill and its enactment into law be acquired by the corporation.

That the objects of the said Bill cannot fully be effected without the authority of the Legislative Assembly.

Whereof your Petitioner prays that your Honourable Assembly will grant leave to bring in the said Bill.

And your Petitioner as, in duty bound, will ever pray.

The Church on Hospital Road."

MR. PRESIDENT:
with this Bill.

The question is that the promoters be allowed to proceed

QUESTION PUT: AGREED.

SUSPENSION OF STANDING ORDER 62

HON. W. NORMAN BODDEN: Mr. President, I would beg to move the suspension of Standing Order 62 in order to allow this Bill to be taken through its several stages all in one day.

MR. PRESIDENT: The question is that Standing Order 62 be suspended to enable this Bill to take its full passage today.

QUESTION PUT: AGREED. STANDING ORDER 62 SUSPENDED.

MR. PRESIDENT: Bill, First Reading.

FIRST READING

CLERK: The Church on Hospital Road (Incorporation) Bill, 1988.

MR. PRESIDENT: A Bill entitled the Church on Hospital Road (Incorporation) Bill, 1988, is deemed to have been read the first time and is set down for Second Reading. But, before we proceed to the First Reading, as I understand Standing Orders, the Member in charge of the Bill wishes to make an amendment.

HON. W. NORMAN BODDEN: Mr. President, I would like to make an amendment which was circulated a few days ago. And that is an amendment to Section 3(4) by the deletion of the words:

"and shall ceased to be a member upon acceptance of such resignation by the Corporation."

that would be the second part of the second and last lines of subsection (4) of Section 3.

MR. PRESIDENT: In terms of Standing Order 62(2) I do not consider this amendment be on the scope of the Bill, I therefore recommend that the House accept it. Does the House so accept please? Thank you. Bills Second Reading.

SECOND READING

CLERK: The Church on Hospital Road (Incorporation) Bill, 1988.

MR. PRESIDENT: The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, I beg to move the Second Reading of a Private Bill, a Bill for a Law for the Incorporation of the Church on Hospital Road, and for the vesting of certain property in the body so incorporated.

This Bill is not controversial. Its memorandum of objects and reasons is clear. The objects, as stated previously, of this Bill is to create a corporate body in which may be vested such property already acquired, or which may, after the passage of the Bill and its enactment into Law, be acquired by the persons so associated and possess of the powers to be conferred by the Bill.

I would point out that Standing Orders 60 and 61 have been fully complied with. The Petition, as required, has been lodged with the Clerk. The objects and reasons of the Bill have been published three times in the Gazette, and three times in the local newspaper. The Petition having been read to this Honourable House and permission to proceed obtained. The amendment to subsection (4) of Section 3 by a deletion of part of the second and the last lines have been stated previously.

Mr. President, I am grateful for the House allowing this Bill to be taken through its various stages today through the suspension of Standing Order 62. As I said previously, it is non-controversial and it would certainly facilitate the purposes of the Church on Hospital Road. I recommend this Bill to the House.

MR. PRESIDENT: The question is that a Bill entitled the Church on Hospital Road (Incorporation) Bill, 1988, be given a Second Reading. The Motion is open for debate. It appears that no Member wishes to speak. I will, therefore put the question that the Bill entitled The Church on Hospital Road (Incorporation) Bill, 1988, be given its Second Reading.

QUESTION PUT: AGREED. THE CHURCH ON HOSPITAL ROAD (INCORPORATION) BILL, 1988, GIVEN A SECOND READING.

MR. PRESIDENT: With there being no Committee or Select Committee stage on this Bill there is therefore, no need to make a Report of it having gone through Committee. Bills Third Reading.

THIRD READING

CLERK: The Church on Hospital Road (Incorporation) Bill, 1988.

MR. PRESIDENT: The question is that the Bill entitled The Church on Hospital Road (Incorporation) Bill, 1988, be given its Third Reading and do passed.

QUESTION PUT: AGREED. THE CHURCH ON HOSPITAL ROAD (INCORPORATION) BILL, 1988, BE GIVEN A THIRD READING AND PASSED.

MR. PRESIDENT: A motion for the Adjournment, please?

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I think before we move the adjournment there is need for a little explanation.

The Finance Committee met today during the lunch hour. The Clerk has requested additional time tomorrow morning in order to have the Report prepared, so I therefore move the adjournment of this Honourable House until 11 o'clock tomorrow morning.

MR. PRESIDENT: The question is that the House do stand adjourned until 11 A.M. tomorrow morning.

QUESTION PUT: AGREED, AT 4:55 P.M. THE HOUSE STOOD ADJOURNED UNTIL 11:00 A.M. WEDNESDAY, 21ST SEPTEMBER, 1988.

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

**THIRD MEETING OF THE 1988 SESSION
WEDNESDAY, 21ST SEPTEMBER, 1988
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

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, JP	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

APOLOGIES

HON W NORMAN BODDEN, OBE	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

**ORDER PAPER
OF THE
HONOURABLE CAYMAN ISLANDS LEGISLATIVE ASSEMBLY**

**THIRD MEETING OF THE 1988 SESSION
TUESDAY, 21ST SEPTEMBER, 1988
SIXTH DAY**

1. PRAYERS

To be read by the Honourable First Official Member

2. PRESENTATION OF PAPERS AND REPORTS

**REPORT OF THE STANDING FINANCE COMMITTEE
(Meeting held 20th September, 1988)**

To be laid on the Table by the Honourable First Official Member, Chairman of the Standing Finance Committee.

3. QUESTIONS TO HONOURABLE MEMBERS

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 39: Could the Honourable Member say how many Gainful Occupation Licences have been issued for the period 1985 to 1988 to Non-Caymanians or companies registered as foreign companies or companies with a Local Companies Control Licence or partnerships which are more than 40 per cent Non-Caymanian partners respectively?

4. ADJOURNMENT

To be moved by the Honourable First Official Member, Leader of Government Business.

TABLE OF CONTENTS

	PAGE
Prayers	1
Presentation of Papers and Reports	
Report of the Standing Finance Committee (Meeting held on 20th September, 1988)	1
Questions to Honourable Members	
Question No. 39 - Deferred	5
Adjournment	5

WEDNESDAY
21ST SEPTEMBER, 1988

11:34 A.M.

MR. PRESIDENT:

Prayers. The Honourable First Official Member.

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 the light of His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT:

Please be seated.

Proceedings of the House are resumed.

We have apologies from the Second Elected Member of Executive Council who is carrying out certain official business commitments abroad in relation to the tourist industry.

Official Member.

Presentation of Papers and Reports, the Honourable First

PRESENTATION OF PAPERS AND REPORTS

REPORT STANDING FINANCE COMMITTEE
(Meeting held on 20th September, 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 Meeting held yesterday.

MR. PRESIDENT:

So ordered.

HON. THOMAS C. JEFFERSON:

Mr. President, the Finance Committee's meeting held yesterday approved a total Supplementary Expenditure of \$1,700,580 and this morning approved a further \$100,000 making a total of \$1,800,580. The details of that approval are as follows:-

CI\$ 5,000 for Head 01 - His Excellency the Governor for Miscellaneous Visits and Entertainment;

CI\$ 1,200 for Head 01 - to purchase a replacement typewriter for the Governor's Social Secretary;

CI\$ 11,400 for Head 02 - Administrative Secretary's Department for flags and Coats-of-Arms. It was a revote of funds approved last year. The Coats-of-Arms were not received until this year.

Continuing with the same Head,

CI\$48,126 - Operating Expenses - Overseas Office; additional funds requested to supplement excess expenditure for personal emoluments and rental, the increase being due to the salaries revision, higher rental charges and the rate of exchange now being CI\$1.50 to £1 as opposed to the budgeted sum of CI\$1.40 to £1;

CI\$528,900 for Head 06 - Personnel & Office Services broken down as follows:-

Sub-head	Description	Amount
01-109	Housing	\$ 450,000.00
02-004	Freight - Personal	20,000.00
02-009	Other Passages	50,000.00
27-006	Office Equipment	1,900.00
27-015	Staff Houses - Furniture	7,000.00
	Total	\$ 528,900.00;

CI\$42,500 for Head 07 - Police Department for Criminal Investigations. This additional amount was requested due to the high increase in unforeseen and unusual types of incidents requiring overseas expertise. The Metro-Dade Dog Handlers assisted on two separate occasions and there is always the need for Toxicology Services from overseas.

CI\$163,000 for Head 08 - Prison Department broken down as follows:-

03-023	Hygiene & Sanitary Supplies	\$ 35,000.00
06-006	Water	100,000.00
07-038	Maintenance - Buildings	6,000.00
07-042	Maintenance - Radios/ Transmitters	3,000.00
08-023	Prison Rehabilitation	4,000.00
08-026	Remuneration for Indigent Prisoners	7,000.00
12-010	Vehicle Maintenance & Hireage	6,000.00
14-899	Miscellaneous	2,000.00
	Total	<u>\$163,000.00</u>

The Elected Member for North Side expressed that, in view of the large amounts of water consumed at the Prison, efforts should be made to reduce the consumption perhaps by utilising regulating faucets. The Chairman undertook to look into the matter.

CI\$8,375 for Head 20 - Fees Consultancy; The sum was requested by the Acting Director of Lands and Survey to cover the cost of an independent valuation of the Little Cayman dock Block 77A part of Parcel 6. A private company based in California, is willing to undertake this work at a fee of US\$110 per hour, exclusive of expenses. Government will be required to provide hotel accommodations, air fares and local transportation.

CI\$130,000 for Head 10- Finance and Development- Support Grants; the Cayman Islands Committee of the British Red Cross Society requested financial assistance in the construction of its Disaster Store and Headquarters. Executive Council advised that a request for a cash donation should be supported equivalent to funds raised by the Committee on a "dollar-to-dollar" basis towards the \$200,000 to be raised. Government's obligation in this arrangement is expected not to exceed \$100,000. \$30,000 of the approved sum being a grant to the Football Association.

Continuing with Head 10:-

\$800 for Other Furniture - being for items of furniture necessary for the recently established Economic Development Unit.

CI\$5,000 for Head 11 - Customs - Official Travel; requested due to an increase in the number of arrests for dangerous drugs. The cost of trips abroad has increased considerably, and also due to the investigation with respect to duty evasion. The funds provided in the 1988 Budget have proven insufficient for this year.

CI\$57,841 for Head 13 - for Legal - Prosecutor; to cover the cost of legal fees in connection with the committal proceedings attendance in the AME Management case as requested. The fees are higher than anticipated because of the undue length of the case and the sterling rate.

The Second Elected Member for Bodden Town voted against this.

\$25,000 for Head 14 - Health Education and Social Services - Sports Grants; to provide the necessary funds to allow the local athletes to participate in the Olympic Games in Seoul, Korea. The Olympic Committee raised \$40,000 and Government has contributed \$25,000 to cover the total expected cost of CI\$65,000 for their participation in the Olympics.

\$5,892 for Head 14 - Medical Cases; being the amount to reimburse Mr. Clarence Thompson 50% of the total cost of overseas medical expenses. If the need arises, the Portfolio should grant further assistance by paying future bills and Mr. Thompson should sign a promissory note to repay the outstanding amount to Government;

Again on medical cases;

CI\$60,687; to reimburse Mrs. Dorothy Thompson 50% of overseas medical expenses of \$121,372.85. The portfolio and the Finance Committee agreed on a similar arrangement as with her husband, Mr. Clarence Thompson.

\$16,458 - Head 15 - Education - Wages; Funds requested to employ 12 bus wardens for school buses for one term in an attempt to effect improved discipline among school children while being transported. Each warden will be expected to work five hours a day at \$4.22 per hour. If the desired improvements are obtained, the arrangement will continue for the implementation of this measure on a permanent basis.

The Member for East End, although in support of the request, expressed that perhaps school teachers should be selected for this purpose.

The Committee requested the Chairman to ensure that the Chief Education Officer takes special care in the selection of such wardens.

The Second Elected Member for Bodden Town voted against.

\$41,536 for Head 16 - Health Department - Wages; to provide additional services of four collectors in the Environmental Health Section;

CI\$26,000 for Head 17 - Social Services - Vehicles; provided to purchase a van for the Francis Bodden Girl's Home. The current van is presently 6 years old and is constantly in need of repairs and obviously uneconomical to continue in use;

CI\$69,458 for Head 19 - Agriculture - Farm Development; approval granted for the

establishment of advance accounts to cover sums required for operation expenses and purchase of necessary equipment. The approval will assist us to write off these advances;

CI\$21,000 - for Head 27 - Civic Centres/Museums; to air-condition the George Town Hall at a total cost of \$37,000 so that the Town Hall, when necessary, could be used for Court proceedings;

CI\$5,000 for Head 29 - Public Buildings; provided for partitioning works necessary in the Government Administration Building;

\$42,500 for Head 29 - Public Buildings; for the completion of Phase 2 of the Paint Shop at the Government Central Funding Scheme. Phase 1 which was the casting of the concrete slab was completed at cost of \$15,200.60.

The Member for North Side expressed concern at the relatively high cost for the work and the Chairman agreed to look into the matter;

Again under Head 29,

\$264,000 for Sports/Playing Centres & Parks was approved. It was the Finance Committee's acceptance of Motion No.2 moved at a Finance Committee meeting held on the 30th June and the Public Works Department would provide a breakdown of the works for the completion of the West Bay playing field, totalling \$390,000. The Committee however considered only these items and sums which it was considered would be completed by the end of the year, that is:-

Completion of the football pitch:	
- surveying and the setting up	\$ 5,000.00
- top soil of 6" added to it	55,000.00
- seeding and maintenance of field	10,000.00

Total	\$ 70,000.00
Chain link fence around pitch:	
- 4' high with extra strength	\$ 9,000.00
Lighting	\$ 25,000.00
Bleachers	\$ 30,000.00
Changing rooms with small storage and concessions	\$ 130,000.00

Total	\$ 264,000.00

All Members voted for this amount;

\$4,500 for Head 32 - Registry of Companies; additional funds required and approved by Finance Committee specifically for the newly created Marine Department as follows:-

Sub-Head	Description	Amount
02-015	Subsistence	\$1,000.00
03-032	Office Supplies	1,250.00
03-039	Stationery, Printing and publications	1,750.00
07-899	Miscellaneous	500.00
	Total	-----
		\$4,500.00

CI\$4,550 for Head 32 - Public Building, that is, the Tower Building; being additional expenditure required for materials and wages for the office renovation by Public Works Department;

CI\$20,000 for Head 35 - Public Service Commission - Recruitment; to provide sufficient funds for the remaining months of 1988;

CI\$6,857 for Head 16 - Health Department - Dietary and Drug Supplies;

CI\$20,000 for Head 26 - Maintenance of Equipment; to cover unforeseen expenditure incurred on the fire trucks;

CI\$15,000 for Head 09 - District Administration - Maintenance of Refugees; to cover the cost of the Haitians who were accommodated in Cayman Brac and their repatriation to their home country;

CI\$50,000 as a contribution to Hurricane Relief Aid in Jamaica. As a result of the Private Member's Motion which was moved on the 19th of September and the House accepted, Finance committee approved a contribution to Jamaica of CI\$50,000 which is approximately JA\$300,000.

THE PUBLIC FINANCE AND AUDIT LAW, 1985

Coming on to other matters that were approved and dealt with in Finance Committee, Mr. President, under the Public Finance and Audit Law, the Financial Secretary is required, under Section 8(8), to report any changes to the 1988 Budget of Expenditure in relation toirements, new posts and regradings since January, 1988. The Finance Committee approved the changes put forward to them.

THE LIGHTHOUSE SCHOOL - THERAPY WING

The Finance Committee approved that funds raised by the Kiwanis Club of \$50,000 be placed in the Deposit Account of the Government Treasury and released to the Public Works Department under the appropriate vote.

ADDITIONAL SHARES SUBSCRIPTION IN CARIBBEAN DEVELOPMENT BANK was also approved. In the arrangement with Caribbean Development, Mr. President, whenever a new Member is accepted or approved, the English-speaking Caribbean countries are required to subscribe to additional shares in order for the English-speaking Caribbean to maintain the major shareholdings in the Caribbean Development Bank.

Seventeen additional shares were approved.

FINANCING FACILITIES - CAYMAN NATIONAL MUSEUM

Finance Committee also approved a financing facility for Cayman National Museum. The Board of Control of the Cayman Islands Museum has been granted permission to renovate the old Court House building as a Museum at an estimated cost of CI\$205,000. The Board of Control has agreed to accept an offer from CIBC who has agreed to provide a loan of \$200,000, repayable over 10 years in 40 quarterly blended payments - principal plus interest, commencing within 90 days of the draw down.

GOVERNMENT ADVANCE TO THE HOUSING DEVELOPMENT CORPORATION

The Finance Committee agreed that the Government Advance to the Housing Development Corporation of \$137,000 which was initially given as a start up budget for the Corporation should be treated as a grant and that the funds be utilised by the Corporation to create a fund for Debenture Repayments and Bad Debts.

PURCHASE OF LAND

The Committee agreed to the purchase of land which were thought urgent, essential and necessary. These were:-

Block 13E Parcel 53, improvement to Watler's Road	CI\$ 1,250.00
Block 37A Parcel 45, 6.1 acres to improve Prison security and provide additional parking	36,000.00
Block 98D Parcel 4, .23 of an acre for addition to the Stake Bay Cemetery	10,000.00
Block 106E parcel 94, .05 of an acre for improvement to Dilbert Ave. in Cayman Brac	1,000.00
Block 111E parcel 252, .65 of an acre for addition to the Spott Bay Cemetery	25,125.00
Stamp Duty on the above	6,628.00
	<hr/>
Total	CI \$80,003.00

OTHER MATTERS

MOTION NO. 1 - HURRICANE PREPAREDNESS FUND

The Member for East End expressed by way of a Motion, the need to look at various shelters which were used during the hurricane and he quoted his specific experiences in the district of East End during Hurricane Gilbert. The Committee discussed it and authorised the Financial Secretary to deal with these matters under the Hurricane Preparedness Fund, and for all problems in the district resulting from Hurricane Gilbert to be rectified.

MOTION NO. 2 - HURRICANE PREPAREDNESS FUND

Motion moved by the First Elected Member for the Lesser Islands sought similar authority to the Financial Secretary to provide relief from the Hurricane Preparedness Fund for repairs to dwellings for the underprivileged in the Lesser Islands.

MOTION NO. 3 - GERRARD SMITH AIRPORT - CAYMAN BRAC

The Second Elected Member of Executive Council moved to effect the extension of the runway at Gerrard Smith Airport by 1,000 feet and to prevent the proposed construction of buildings on 36 parcels of land to the south of, an parcels parallel to the runway which would prove hazardous in this area. Finance Committee approved, in principle, for Government to purchase these small parcels of land subject to the statutory valuation being carried out. No approval was granted for purchase of land for the extension of the runway of 2,000 feet.

MOTION NO. 4 - FARM RELIEF

The Member for North Side moved that the Finance Committee authorise the Financial Secretary to advance the necessary funds to the Agricultural Industrial Development Board as a means of providing one year moratorium soft loans to farmers on the island to assist with farm land restoration effected by Hurricane Gilbert.

MOTION NO. 5 - ROAD CONSTRUCTION - CAYMAN BRAC

The First Elected Member for the Lesser Islands moved that approval be granted to utilise funds budgeted for the construction of the cross-island road in Cayman Brac for the necessary repairs to be undertaken on the south road which was severely effected by flooding during Hurricane Gilbert. The Member also advised that the road is the tour route for the visit of Princess Alexandra in November of this year. The Finance Committee unanimously agreed that the Financial Secretary be authorised to liaise with Public Works Department to recommend the best method of reconstruction or repairing the road and to provide an estimate for the same, and further, to have the works carried out.

OTHER MATTERS ARISING

ROYAL VISIT

This morning by round robin, Members agreed a sum of \$100,000 to be approved to cover expenditure dealing with the forthcoming Royal Visit this year. The Second Elected Member for Bodden Town voted against.

Thank you, Mr. President.

MR. PRESIDENT:
Questions. The Elected Member for East End.

Item 3 on today's Order Paper.

QUESTIONS TO HONOURABLE MEMBERS

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 39: Can the Honourable Member say how many Gainful Occupation Licences have been issued for the period 1985 - 1988 to non-Caymanians or companies registered as foreign companies or companies with a Local Companies Control Licence or partnerships which are more than 40 per cent non-Caymanian partners respectively.

DEFERRAL OF QUESTION (S.O. 23(8))

HON. J. LEMUEL HURLSTON: Mr. President, I beg to apologise for not being able to provide the oral answer to this question and as earlier indicated, I will undertake, in accordance with Standing Order 23(8) to provide the answer in writing as soon as it becomes available. I apologise to the House for this.

QUESTION PUT: AGREED. THAT QUESTION BE ANSWERED IN WRITING.

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

MR. G. HAIG BODDEN: May I ask if the Honourable Member can give the answer to any part of the question because the question is of many parts and I am wondering if he has any part of the answer completed?

HON. J. LEMUEL HURLSTON: Mr. President, portions of the answer have been completed. However, I did not bring any portions with me because until the answer was ready in its entirety, there was no point in bringing along portions of it.

It might be helpful if I simply explain Sir, that the difficulty that the office is having in collecting and collating the information for the answer to this particular question, is brought about, not only by the sheer volume of records that have to be gone through, but also by virtue of the fact that so many changes occur on a regular basis with shareholdings in companies.

Further to that, there are other companies on the Island that are registered under specific laws other than the Local Companies Control Law, for example, companies licensed under the Banks and Trust Companies Law, companies licensed under the Insurance Law. These are licences exclusive of ordinary local companies. So it is a question of volume, together with complexity, that makes the gathering of the information very time consuming.

MR. JOHN B. McLEAN: Mr. President, I appreciate what the Honourable Member has said. I know that this is a very important question and I would have really liked to get it to the floor of the House. I really do understand his situation and I will agree to have the answer in writing.

MR. PRESIDENT: I am sure the Member will agree to it being made public too, as it would be.

The adjournment.

MOTION FOR THE ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, nothing now remains but to move the adjournment of this Honourable House and, not knowing the exact date in November when it will be convened, I so move the adjournment sine die.

MR. PRESIDENT: I will observe the usual pause before putting the question.
The Elected Member for North Side.

MATTERS RAISED AFTER THE MOTION FOR ADJOURNMENT

MR. D. EZZARD MILLER: Mr. President, I would like to take this opportunity to thank the people of North Side for the opportunity to serve as their Member of the Legislative Assembly for the past four years. I thank them for their support, confidence and encouragement during the past four years. Together with their help and support we have achieved more facilities and improvements to public services during the period 1984 to date than was done during the thirty years prior to 1984.

Further, Sir, I would like to thank, on behalf of the people of North Side, fellow Members and in particular, the Members on the opposite side, that is, the Government bench, their Principal Secretaries and staff of their Portfolios for all their assistance during the last four years. I would also take this opportunity to thank the Clerk of the Legislative Assembly and her staff for all the help that they have given me during this period.

After today I will no longer be a Member of the Legislative Assembly and the choice as to who will be the next representative for the district of North Side is entirely in the hands of the people of my constituency. I will respect whatever decision they take. If they give me the opportunity to serve again I will welcome it and do the best that I can.

To other Members who are seeking re-election - my conscience would not be entirely clear if I say that I would like to see all elected Members returned, the Second Elected Member for Bodden Town knows where I stand on that issue - but, to those that are seeking re-election, other than the Second Elected Member for Bodden Town, I wish them the best and hope that come November 17th, this country will have a Government for which the people can be proud.

Thank you, Sir.

MR. PRESIDENT: The First Elected Member for the Lesser Islands.

CAPT. MABRY KIRKCONNELL: Mr. President, today marks the end of my second term as an elected representative for the Third Electoral district comprising Cayman Brac and Little Cayman. I would

like at this time to express my sincere appreciation for the honour and privilege they have bestowed upon me in allowing me to represent them for this period of time.

I assure them that I have done my best, maybe not all was accomplished that I would have liked to have seen or they would have liked to have seen, but I think we have moved ahead, and certainly, that I have done my best.

I would like to take this opportunity to personally thank you for your guidance, your friendship and the excellent way in which you have performed your duties as President of this Honourable House. I am very grateful for the keen interest that you and Mrs. Scott have shown in my district. We welcome your visits and we ask, whether or not I am a Member here, that you will continue to visit as frequently as possible and to realise that we welcome you there at all times.

The people of Cayman Brac and Little Cayman, being separated by some sixty odd miles of water between the ends of the two islands, are at a considerable disadvantage over those residing on the island of Grand Cayman in many aspects. Therefore, often times when we speak in this House we are not trying to be ungrateful but we are just trying to express the distinct needs of people who have different requirements than those living on the larger island.

Mr. President, I have had the opportunity in this eight years to serve under three Presidents, three Clerks and three Sergeant-at-Arms. I would like to express my deep appreciation to the Clerk, her Deputy and all the staff for all the help that they have given me during the eight years that I have been here. They have been most helpful and I shall always be grateful to them for their help. To the Sergeants who have kept us in line, we certainly appreciate that and I shall always recall our present Sergeant's call, "Time to resume, I need seven for a quorum". I appreciate his many efforts and certainly have enjoyed his friendship.

Returning to my district Mr. President, the people of Cayman Brac and Little Cayman have moved in great strides during the last eight years. Capital Expenditures have never been greater in that district and at this time I would like to express my sincere appreciation to my fellow Members of the Legislature who have supported the needs of, and I call them the Sister Islands but officially referred to as the Lesser Islands, for your support for which I am very grateful. I am very grateful to the Official Members of Executive Council and the Elected Members for all the interest that they have shown and for the good Government they have provided for us and the Cayman Islands.

I look forward as the Election campaigns get in the more heated stages that it will be a clean campaign and that each and every individual candidate will stick to the issues. I have no fear in defending my record here, I have not been the most vocal Member, I have tried to keep my debate to the point and limited the amount of excessive words used, but nevertheless, I have done all that I could as a representative for my district and for the Cayman Islands.

Mr. President, in conclusion, I pray Almighty God's blessings for continued prosperity for the Cayman Islands. It is very obvious that His guiding hand has protected us through the recent disaster. It could have been seen in these three islands when Hurricane Gilbert so narrowly missed us and this was in my opinion, the direct guidance of Almighty God. I think the people of the Cayman Islands should forever be grateful for it.

I pray that all registered voters will give serious consideration and return to this House the best Government possible for the future development of these islands. To all of my colleagues who are seeking re-election, I wish you all success and look forward to working with you again if I am favoured with being returned by my people.

Thank you, Mr. President.

MR. PRESIDENT:

The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, this Sitting brings to a close the 1984 - 1988 Session of the Legislature. When you take into account the circumstances under which we found the country, I think we can hold our heads high. This is a time of reflection and I well recall the many problems we found. More than I imagined existed.

Our first task was to get the economy going and to make investors want to continue to invest in these islands. No one can deny that today we have accomplished the work we set out to do to get back the foreign investors. The Budgets of this country bears us out the resulting Surpluses and Reserves is there for one and all to see. We found a deficit in 1984 and the Reserves could not pay all the bills. Our national airline was at the point of near bankruptcy. Today we have instituted a subsidy and under able management it is working very well. We have to give thanks to the Board of Directors and to the Portfolio responsible for bringing that airline in line.

There was unemployment. As far as unemployment is concerned this is not the case today. Anyone not working and earning a dollar do not want to work. Today, the country is in a position so that if bad comes to worst and there is a slow down in the economy, we have some reserves. We now have to spend for the hurricane damages but that was what we were saving for. No one can deny that Caymanians are not in a good position. I have seen fellow Caymanians begin new businesses, building their homes or building second homes or apartments for rental. When we look at the quality of automobiles owned by Caymanians, can anyone deny that we have done our part?

Mr. President, I would only urge fellow Caymanians to save their money, they must somehow save some of it. I do not think anyone can successfully say that there has not been prudent management in the financial affairs of this country. I believe, all in all, that this country is on a sound footing with good management. And, as the Jamaican Festival song says, "Nowhere better than yard".

When we consider the number of countries larger and wealthier than ours and to think that a lot of them are either under military rule or civilian dictatorship or their economy is in shambles, we must say thanks to Almighty God. Each and every one of us can be happy and proud that we have been able to maintain a state of democracy in our country and that complete parliamentary democracy has existed. As the youngest parliamentarian, I have served my country and people for four years. I am satisfied today that I have done the best that I could for my people. I have accomplished many things and where I did not accomplish, I have tried.

I am indeed proud of the developments in my constituency. We have put down a dock, ramps, fire stations, playing fields, new roads and have even tried to help traffic congestion by installing a four-way traffic stop. Cemeteries have been upgraded, public beaches have been put in place and we have given streets proper names. I am glad that I see fit many times to recommend that streets be named after worthwhile citizens in the district of West Bay. No one can deny that West Bay is not better off.

My personal work and commitment to try to make all Caymanians advance cannot be denied. I believe I have moved more Private Member's Motions than any other Member in the last thirty years - motions which were for the betterment of the people of these Islands. I have moved 31 motions as far as I can recollect, 23 of which was passed in this House. These were motions to do the things that are necessary for our people nationally and for the districts, protection of our birth-rights, moving resolutions even to help a foreign nation, moving resolutions to institute scholarships and even moving resolutions so that the price of propane gas could come down from \$38 to \$33.

I am proud that I have that sort of initiative and could

propose worthwhile programmes for this country. I am proud indeed, because I very well remember that I was told in West Bay that this little fat nigger boy could not do anything to help them. They said that I could not even write my own speech, well, sometimes I write it and sometimes I just rattle it off. Any speech writer has to have good material and I invite them any day to come to see my library. I do not have a college education but I possess good common sense and a lot of granny wits.

Mr. President, I wish to extend my thanks to you as President of this Legislature. You came, you brought common sense to this House and helped, at least, to make me want to act as a parliamentarian. That is, because sometime I realise that people wanted a Bustamante and sometimes they wanted a Churchill and I hope that I have fulfilled that role here. But, your leadership here is well documented. I wish to extend my thanks to the staff. I do not think that you can find a more dedicated staff anywhere in the Government service than what exists in this Legislature. Sometimes they work under adverse conditions. The Deputy Clerk is a giant when it comes to handling the work of this Legislature. I congratulate her, the Clerk and her staff, including the Sergeant-at-Arms.

I would also like to put on record my thanks to the Caymanian Compass, the newspapers in this country and Radio Cayman for their work in covering these past four years of legislative work.

Last but not least, Mr. President, to publicly put on record, my thanks to my wife who never got involved in politics but preferred to be the good decent wife and mother and kept my home safe and secure while I tried to do my best for this country.

The honour of representing one's country is one of the highest honours to be bestowed on any citizen. I thank my people for that honour and for the confidence they have put in me. As we all engage in our vigorous nocturnal operations for the next couple of weeks in our gallant pursuit, I trust that all Members and candidates will hold to the truth and to what is right for these islands. The next couple of weeks will be exciting times. I am confident that the decision and will of the people will be in the best interest of this country.

I had a call just after the debate on crime and one member of the opposition said to me that he hopes that I will not come back. Well, I only thought of one thing at that time and I will say it now, do not ask for whom the bell tolls let me tell the opposition that the bell tolls for thee. I have done what I could, I have tried and may Almighty God continue to bless us and keep us safe from all evils.

I thank you Mr. President. I have enjoyed my time in this House and I look forward to seeing you in November.

MR. PRESIDENT:

The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:

Thank you, Mr. President.

I too wish to express my very sincere gratitude to my constituents, and in particular to the people of the Cayman Islands in general, for the honour they have bestowed upon me in allowing me to represent them here in this Assembly.

Today marks the end of my first term in this House and I trust Sir, that the people of this country, that is, the constituents of George Town, will see fit to give me another term of four years. This is the swan song of Members of this Legislature as this is the last day of our four-year term.

On the 14th of November, 1984 when I was given the trust of the people of the George Town constituency, I told them that I would give them my best and I can say today, without fear of contradiction, that I did all that I possibly could for my people. I made no promises to my people that I did not fulfill or at least tried my very best to fulfill. I complied with all the commitments made in my 1984 manifesto.

While I always try to offer equal representation to all the people of my constituency, and indeed to all the people of the Cayman Islands, I believe Sir that it is true to say, that no Member of this House spoke out more in support of the little man than I did. So much so that sometimes I was chided by other Members because of my expressed interest in the 'little man'.

Mr. President, on a more global position, since 1984 it is true to say that the finances of this country has never been in a better position. When we took over on the 14th of November, 1984 the country was almost broke. When we consider of course, the deficit position due to us not receiving certain funding from Caribbean Development Bank, the actual position was \$4,218,883 which did not account for the deficit position of over \$2 million caused from the money in transit from Caribbean Development Bank. Today, the position is near \$20 million when we consider the Surpluses and Reserves of this country.

On the 22nd of August, 1988, the Caymanian Compass carried an editorial which stated, and I agreed with this editorial, "we have never had it so good". And this is true Mr. President. But it bothers me why some of the opposition Members could have the temerity to want to make a change.

There is also some talk about our public debt and I agree Sir, that the public debt is somewhere in the vicinity of \$24 million as at the 31st July, 1988. But, Sir, what they fail to see is that the public debt of any country is determined by the financial ability of that country to service the public debt. In the Cayman Islands we are capable of servicing our public debts.

The Hansard of the Legislative Assembly will show that I am among the three top Members of the Legislative Assembly who submitted the most number of Private Member's Motions and Parliamentary Questions in the past four years. I was always active on Standing Committees unless it was humanly impossible for me to do so.

In 1984 I was appointed as Chairman of the Public Accounts Committee which position I have held to date. But, it is interesting Mr. President, to note that I had no proper records to even be guided by when I took over that position because for the previous eight years no proper Public Accounts Committee Report had been prepared for this House.

I wish to thank the staff of the Legislative Assembly, the Principal Secretaries and Controlling Officers for all their assistance offered during the past our years, for the cooperation in particular, of the Auditor General who will be sadly missed from this country, to the Deputy Financial Secretary Mr. McCarthy, and the Chief Accountant Mr. Moncrieffe for all their assistance and also for the cooperation of the witnesses that came before the Committee.

MR. PRESIDENT:

May I interrupt you for just one moment? Standing Order 11(8) provides thirty minutes for moving a motion under paragraph 5 which is such of a motion which has just been moved for the adjournment. "...the Presiding Officer shall adjourn the House without putting the question." On an occasion such as this I would not wish to do so and would therefore seek the agreement of the House to suspend that Standing Order.

Thank you, please continue.

MR. LINFORD A. PIERSON:

Thank you, Mr. President.

I was also Mr. President, in 1984 appointed as the Honorary Treasurer for the local branch of the Commonwealth Parliamentary Association, a position which I have enjoyed and which I have filled up to this point in time. I was also pleased to represent the Cayman Islands, together

with two other Members, at the Thirty-First Commonwealth Parliamentary Conference held in Canada in 1986.

I have supported the Government bench on issues which I felt were in the best interest of this country but many times, I opposed them on issues which I did not agree with. All in all, I was not an extension cord. The records of this Assembly will reflect my position and often times disagreement with the Government bench. I feel that the people of my constituency of George Town expected this. Yes, I can truthfully say that I am a hard working representative and that I do not believe in blind leadership. I am no "yes man" Mr. President. I do not believe though that I need to state this fact as most, if not all, of my constituents have watched me very closely over the past four years and are aware that I am a hard-working representative. This may appear as one blowing one's horn, but the truth is the truth.

Unfortunately, many of the motions which I brought to this House and which were approved were not acted upon. But, if I am returned by the people of George Town on November 16th, I intend to reactivate those motions which for one reason or other, were pushed on the back burner. Mr. President, there are a number of things which I feel that I was instrumental in starting in this country since 1984 and I will just briefly mention one or two.

Just recently, we had the Netball International Tournament here and hosted the Tenth Caribbean Games. I was happy to be a part of that as the patron of that event. I also sponsored the TRC Spikers Volley Ball Team that has been making great strides in that particular game, also the George Town Boxing Club which unfortunately, does not have a home at present but we hope that very shortly, we will have appropriate accommodations. Very recently also, I was approached by the President and Executive Members of the Cayman Islands Football Association for assistance. I approached the First Elected Member of Executive Council who took the matter to Executive Council and we were able to receive \$30,000 which we gave to that association to assist them.

One of the issues which I have in the past come out strongly against or spoke on very strongly has been the question of the Caymanian Protection Board and the relevant legislation. I am again committed in my 1988 Manifesto to improving the system where possible. I believe Sir, that there is a certain amount of unrest regarding the operations and policies of the Board, and I will strive to work towards the formulation of an equitable system for all of our people.

The records of this Assembly will show my continued keen interest in the non-Caymanians living amongst us and in particular, the Jamaicans, who always knew where to turn when they had a problem. I am not embarrassed to say this I have helped them wherever I could. They have always had a friend in me not just since this year that is a campaign year. And, I will continue to offer full and unbiased representation to all the people of the Cayman Islands regardless of their national, ethnic, racial or social background. I will give all of my people full and strong representation. Unlike some of the politicians, who appear on the scene and only show an interest in their people once in every four years, I can sleep well at nights knowing that I have always shown a keen interest in my people even before deciding to enter the political arena. And, with that, they know that I have offered them all the representation that I could possibly give.

Much talk by certain backbenchers has been made about not getting anything done. I cannot say this Sir, because I feel that the Constitution provides for twelve Elected Members and it is an unpardonable excuse for any Member of this House to say to their constituents that because they were not a Member of Executive Council they could not get something done. Mr. President, I am happy that in my four years I was able to accomplish much for my people. Much in the way of assisting them with roads, even though there are a number of roads still on the slate to be done such as that leading to Mr. Truman Myles' house, the road by Kent Rankine's development, there are a number of places Sir. But hopefully, the Public Works Department will soon have these done.

Mr. President, as mentioned, it has been my pleasure in working with the Elected and Official Members in this House. As was alluded to earlier, it has been a particular pleasure of mine to work with you Sir. Your presence in this House has brought a certain degree of respect back to our Legislature which had disappeared before your appointment. I will say no more on this.

Also, regarding the Second Official Member, the Honourable Richard Ground, I feel Sir, that he has brought a level of professionalism to his job and we are very fortunate to have a man of his calibre with us. The other Official Members, the Honourable Thomas Jefferson the First Official Member, and the Honourable Lemuel Hurlston the Third Official Member have also done exceedingly well in their positions - a sterling job indeed.

Unfortunately, Mr. Norman Bodden is not here today but I am pleased to say that it has been my decision to stand with him in the upcoming Election and we are also pleased to have with us another very good gentlemen.

The recent Hurricane Gilbert struck a devastating blow to the Cayman Islands but thank God, we came through this ordeal without any major catastrophes. Unfortunately, our friends in Jamaica, Mexico and other areas did not fare so well but because of our very long and standing relationships with Jamaica, their distress is more personally felt by us. This is not to say, Sir, that we are not willing to help in other needy areas. I feel that if we received a very strong request and it could be justified, even from Mexico, that our Government would consider it very favourably.

Mr. President, in closing, I wish to say that my motto in life has always been that every job is a self-portrait of the person who did it and accordingly, I have always endeavoured to autograph my work with excellence. Sometimes I fell short of my goal but I have always kept trying.

May I wish for all Members who intend to contest the General Elections God's richest blessings and invite all to put God in all that we do. After the Elections some of us may be back here and some of us may not. Regardless of the outcome, let us resolve to run a clean campaign. After all, we have to still live with each other after the General Elections. It was Lord Mancroft who said that "speech is like a love affair any fool can start it but to end it requires considerable skills." So Mr. President, while I think that I am still ahead, I am going to close with the word of the British Prime Minister, Mrs. Margaret Thatcher, who said, "We are not in politics to ignore people's worries we are in politics to deal with them." I will therefore continue to offer my people the best representation that I possibly can. May the Good Lord bless and keep us all.

Thank you Mr. President.

MR. PRESIDENT:

The Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, I am reminded of a story told of an old king who offered his kingdom to whichever one of his three sons who could give him a phrase that would last for all times. They tried. One of them came up with this phrase and he was given the kingdom and it is the simple phrase it reads, "and this too shall pass." This Assembly has come to an end, the cup has finally passed away and I am also reminded of the great American poet Robert Frost, when he was celebrating his 80th birthday he was asked if he could sum up life in three words. He thought for a while then said, "it goes on." The Government will continue although some shall pass from it.

I was saddened over the last four years with the death of one of my good friends, a man who will go down perhaps as the most outstanding politician in the Cayman Islands, the most outstanding in this century, anyway. I would like to say that I enjoyed working with him and will continue to carry on the work which we started together. I would like to thank the people of Bodden Town who gave us such good support over the past sixteen years.

I am not disturbed by the sentiments from the Member for North Side because it only confirms what I already knew that my chief opponent in Bodden Town is linked with not only the Member for North Side, but other people in his government. I believe that if there is anything that will hurt my opponent it will be that link.

Before closing, I must correct the statements that have been made regarding deficits and the country being broke and I will only take perhaps, five minutes to do so. All that is necessary to show that the statements which were made were not correct is for us to look at the Hansard of this House of the 4th of March, 1985 and read a question which was posed by the Second Elected Member for George Town, a question asked of the Financial Secretary. The question reads:-

"In view of the conflicting versions given of the financial position of Government as at the 31st of October, 1984, would the Member state the current balances at that date?"

The answer was:-

"The current balances of Government's financial position as at the 31st of October, 1984 were as follows:

General Reserves	\$10,032,644.00
Surplus Balance	\$891,510.00
Public Debt	\$8,587,922.00
Self Financing Debt	\$2,760,444.00
Loans due to Government	\$10,920,000.00
Bank Overdraft	\$3,555,372.00
Amount due from Caribbean Development Bank	\$3,148,840.00".

We have to read a few of the supplementary questions and get the answers from the Financial Secretary which puts everything in its true perspective.

A question asked to the Member, that is, Hon. Thomas Jefferson, who at that time was the Third Official Member was:-

"The overdraft position which was mentioned a while ago, would that not have been cleared up by the payment of the loan funds by Caribbean Development Bank?"

The answer given by the person who is now the First Official Member was :-

"Mr. President, the receipt of the funds due from Caribbean Development Bank, that is \$3,148,840, were received in late December. That would have reduced the overdraft amount by that portion. It would also increase the public debt by a similar amount."

And, there is one other question and the question is:-

"Mr. President, is it not also true that while the money received from Caribbean Development Bank wipes out the overdraft, those loan funds also increase the revenue?"

And, the Hon. Thomas Jefferson replied:-

"Mr. President, the arrangement under the loan agreement between Caribbean Development Bank and this Government on the Owen Roberts Terminal Building was that the Cayman Islands Government pays first and then claims from Caribbean Development Bank. So, whenever the funds are received they are taken in as Revenue under loans."

This shows clearly that if we take the surplus balance of \$891,510 which is given in this question, and add to that the money which came from Caribbean Development Bank, we will get a total sum of \$4,040,350 which amount is far higher than the overdraft existing. There was no such thing as the country being broke and if the First Official Member cares, he can verify that what I am saying is the truth and I am not making idle statements like "the country being broke" and the other ones about deficit. It is all nonsense.

MR. W. McKEEVA BUSH: That is the truth!

MR. G. HAIG BODDEN: The other matter to which I must refer Mr. President, is the matter about the airlines. The glowing picture which was painted is far from being correct because we only have to look at the Auditor General's Report which was tabled in this House a couple of days ago and this Report says, "that despite a subvention from Government the airline's financial condition continues to deteriorate." I will close on that.

MR. W. McKEEVA BUSH: Mind you get sick!

MR. PRESIDENT: I would be grateful if Members do not interrupt using the microphones. No harm in a little back chat here and there but I think we should not use the microphones. The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, let me begin by thanking Almighty God for sparing our lives to be here today to say what may be our last farewell. I also take the opportunity to thank my people, the people of East End, for their support over the past twelve years. It is my intention Sir, if I am reelected, to continue to serve my people and the people of the Cayman Islands in general. I have tried in the past and will continue to do so in the future.

I would like to say that over the last four year I would have liked to have achieved more but so be it, where there is life there is still hope and I have hope.

As we are all gearing for our campaigns I would like to say that I honestly hope that candidates will stick to issues rather than dealing with personalities. We are all Caymanians, we are all trying to run our country therefore our goals are supposed to be the same even if we go

about it differently. We must remember that these beautiful islands are at a peak where we can go in one direction or the other. Let us therefore endeavour to work together for what will be the betterment of our country and the best for our people.

I will be standing in the Elections if the Good Lord says so and Mr. President, it is my hope if I am successful, to return here to work along with whoever is chosen to sit in this Honourable House.

I take this opportunity to thank the staff of the Legislative Assembly, civil servants and you Sir, in your capacity as Governor and President of this Assembly for your guidance and assistance since you have taken office. It has already been said that you have brought back dignity to this Legislative Assembly and those words are quite true.

Mr. President, quite recently we were faced with, what I would consider, the worst hurricane ever to touch on our shores for many, many years. I honestly hope and trust that this will be a warning to each and every one of us that there is still a Supreme Being. Although today may be our last day as a representative, there is much for us to do to bring back these islands to where they were before Hurricane Gilbert passed. Let us continue to try and endeavour at all times to put our people first.

Mr. President, I thank you for this opportunity and I wish to each and everyone God's richest blessings.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT:

Thank you, Mr. President.

As I had mentioned when I entered this House in 1984, I felt then as I do now that my being here was the direct will of God. I felt that it was at such a time as this that I should have been in this Honourable House as a representative of West Bay and I am grateful for the privilege of having served this length of time. I am indeed grateful to my constituents in West Bay who placed the confidence in me that they did in November, 1984 and I am grateful to them for the support, encouragement and indeed, the love which they have displayed over the last four years.

I might say here that my primary emphasis has been on moral and social issues in this country. The concerns of women and children in particular, have been of great interest to me and I am grateful for what I have been able to see accomplished. It is a well known fact that my fight against alcohol and drug abuse continues. I have not made the inroads as I would have liked to have made in that particular area but I venture to say that my fight has just begun.

The war on alcohol and drug abuse continues and I intend, through the help of God, to be in the forefront in waging a war and winning the battle.

I am pleased to have served in this House during this period of time, I am grateful to the colleagues with whom I have been able to serve. I think that I have gotten along very well with all Members, but I would at this time like to particularly state how grateful I am to have been able to work with my two colleagues from West Bay. Both the Second Elected Member and myself came here new and to have been able to work with a veteran like the First Elected Member Mr. Benson Ebanks, has been a distinct pleasure. While I do not consider anyone a God or an idol, I would like to say that I share with the district of West Bay the privilege and honour that we have in having such a representative for such a long period of time. On behalf of my constituents, I would like to express sincere gratitude for his honesty, his humility, his hard work, the integrity which he has displayed over the years and for the way in which he has represented his people. We are extremely grateful and I would like in particular, to state that at this time.

The Second Elected Member for West Bay, while coming into the House as a new Member, has done much in trying to achieve for our district and perhaps for the island as a whole, many of those things which he felt were very necessary. I believe that many of the motions which he has brought to this House has been a direct improvement on the working conditions of many of our Caymanian people and I want to express my thanks to him at this time.

To my family who have stood by me and have very patiently endured the long hours that this job entailed, the continuous barrage of telephone calls and visits from constituents which of necessity, was all a part of this job, I wish to extend my heartfelt thanks for their encouragement, love and patience.

The pastors and churches of this country have all supported me. The telephone calls, the letters which I have received and the continuous support which they have ensured me that was there meant a lot to me at this time. Needless to say there were times when I got the feeling that perhaps I was fighting a losing battle in some areas, but nevertheless, I recognised that what I was doing was for the good of Cayman and I continued to pursue those interests.

Mr. President, it has been my privilege to serve with all the Elected Members of Executive Council. I believe that in the areas for which they were responsible, I have been able to see great improvements. Certainly, the Portfolio of Health Education and Social Services is, in my opinion, one of the heaviest because of the particular areas involved and I think that the Member responsible, while he might have not achieved all that he would have liked to have seen, has done a great job, a very commendable job.

In the area of Tourism we have seen great improvements. The Second, Third and Fourth Elected Members of Executive Council have all done very worthwhile jobs in this country and I wish for them continued success, including those two Members who perhaps will be retiring from the Legislative Assembly this year. I too, have been pleased to serve with the three Official Members. Hon. Thomas Jefferson, the First Official Member, is a long time friend, we grew up together and believe me, I am proud and pleased of him as are all the constituents of West Bay.

I do not wish to go over the grounds already covered by other Members but I would personally like to say how much I have enjoyed working with the Second Official Member and as well the Third Official Member of Executive Council. I enjoy people whose jobs do not go to their heads.

Mr. President, in the Cayman Islands today I believe that after four years we have seen a return of an added dimension of stability and integrity in Government. I also believe that each of us must confess and agree that we have a buoyant economy and that the situation as exists today, did not come about simply by wishful thinking but the dedication and hard work of all of us has been an integral part of what we see here.

The Clerk and Deputy Clerk and all the assistants in this House have been of extreme help to me. The new Sergeant-at-Arms, while in speaking with him, I recognise that he enjoyed his former job as a master mariner I must nevertheless say that this courteous gentleman, I believe, is finding his present position very rewarding and it has been the pleasure of this House to have had him here. I extend to him my grateful thanks.

While in the background, I wish to say how much it has encouraged me to know that whenever we came here we could assure ourselves of a facility that was clean and well kept and although it was difficult to stick to a diet, Mrs. Mary Williams and her staff looked after us well for the past four years. I must say that she has done a great job and I wish to say it from this public forum that I appreciate all the help that she has given us.

The police who have so faithfully watched over us here in taking care of the areas out front that we needed to be looked after, I am grateful to them. Even Mr. President,

the Member who recently left us through death, I have on more than one occasion been able to sit and talk with him and there have been times when he has passed along to me certain advice and council which I, as a young Member of the Legislature, have appreciated. I appreciate everyone with whom I have worked as I mentioned earlier, the task of being a Member of the Legislature is not necessarily an easy one. In fact, sometimes it appears to be a thankless position but it is nevertheless a very rewarding position.

Someone has said that it is not necessarily how long one lives but it is what one gives during a lifetime. I trust that my time in this House has been a rewarding one, not only for myself but for those of my constituency who chose to put their trust and confidence in me to serve in this position. I wish to thank every member of the community who so faithfully showed their love and concern during my recent illness. Mr. President, I am not too big or too old to believe in miracles but I think that my standing here today is one. After five days of tests which revealed that I had indeed had damaged arteries and heart muscles, it is unexplainable and even the doctors were not able to tell me exactly what happened except that on the sixth day there was absolutely no sign of even a scar. My last report showed that I am in top physical condition and I am grateful for the concern, prayers and love which have been shown to me by people from all walks of life in these Islands.

The job of governing a country is a very important one. I mentioned earlier on it is sometimes thankless, but I think it is one of the greatest positions that one could find themselves in. I am thankful that this has been my privilege. I hope that on November the 16th the people of this country will once again recognise that our future very heavily depends upon the type of Government that is returned to this House. I walk out of these walls today felling good about myself and what I have done, I certainly think that I have 'the well done' of the Master and on the 16th of November the people of West Bay will say to me in one way or another just what they have felt about what I have done here. Should they wish to return me to this House, I can assure you that I will work with even added enthusiasm and zeal to carry out what perhaps, I may have only touched upon during the last four years.

I know that there are many areas that I could cover here but as my grandfather, who is one of my chief supporters, often says, "Too much of anything is good for nothing", so I will come to the end of my speech and say that in spite of all the times when this House has appeared to be somewhat rowdy, it has been a distinct pleasure to have had you sit in the Chair as the President. I want to tell you how much I have appreciated your dignified manner of conducting the proceedings here and I also want to say that it would be my pleasure to serve again after the 16th November under you.

Mr. President, whom have I forgotten? What have I forgotten to say except to say that I am thankful to have served in this position and I go out knowing that I have to work hard to gain a seat on the 16th of November and I look forward to my time here. There is no cause for complacency if I am not returned, in God's words it says, "occupied till I come". There is a lot to be done out there and I am sure there are many areas in which I can become involved and for the love of this country, I can assure you that I will continue to do that. I am pleased and proud to be a Caymanian, I love this country, I love its people and no matter how often I go away for short or long periods of time, it is always a joy to return here.

I want to see the best for this country. One of my chief concerns at this moment Mr. President, is that the people of Cayman will appreciate what we have and will not find themselves drifting away from that most important thing of all and that is, a close association and commitment to serving God and doing what is right, because in the final analysis, as the Second Elected Member for Bodden Town said, "and this too will pass" and only what is done for Christ will last.

I trust that each Member of this Honourable House will have a wonderful time between now and the 16th of November and I look forward to seeing them back here thereafter.

Thank you very much, Mr. President.

MR. PRESIDENT:

The Honourable the First Elected Member of Executive Council.

HON. BENSON O. EBANKS:

Mr. President, I shall try not to keep you nor Members too long. For a while I thought we were having a campaign meeting but I suppose that is the turn of the wheel.

When this House is dissolved on the 23rd of September, I will have completed five terms and 19 years as a representative for the district of West Bay and I certainly could not let this opportunity pass without expressing my gratitude to the constituents of West Bay for having bestowed on me the honour of serving them and my country for that length of time.

I am not going to try to enumerate any of my successes or otherwise during those years. I believe that my constituents and the country are aware of my stewardship. I certainly will be seeking reelection, God's willing, in the Election on the 16th of November and naturally, it is my wish and hope that my constituents will find it in their hearts to return me again.

As I said, I am not going to get into any campaign rhetoric but I believe that I am duty-bound on behalf of my absent Elected colleagues of Executive Council who are away on duties, to say that there can be no second guessing that this country has come a long way in four years. The people of this country will be the first to recognise that too well. Someone has expressed it to me that the difference is as great as night and day. I believe that the Caymanian Compass put it well when it said, "We have never had it so good".

I would like to express to Honourable Members of the House my thanks for their help and assistance over the past four years in running and managing my portfolio. Without their help, we would not have been able to do much because after all, if for no other reason Mr. President, they have to help us vote the money and if they had not voted the money, we would not have been able to have gotten very much done. I wish to thank too, the Clerk, the Deputy Clerk and all the staff of the Legislature for their assistance during the past four years. I wish for those Members seeking reelection, good luck. But, let us as we go out on the hustings as some Members have already said, try and stick to the issues and always bear in mind the interest of the country and the people whom we serve.

I wish for this country that after the Elections we will be left with a Government of whom the country can be proud and a Government that will do no worst than this Government has done over the past four years.

Thank you very much, Mr. President.

MR. PRESIDENT:

The Honourable the First Official Member.

HON. THOMAS C. JEFFERSON:

I believe it would be remiss of me not to say a few words before the House formally adjourns. I think of the lyrics of a song when I think of where the Cayman Islands have come from using 1960 as a base. The lyrics of that song would say, "we have come a long way, baby." I think that stands out in all of our minds because many legislatures and many civil servants have played a major role in bringing us to where we are today.

I think it is also important to note that one administration have built on the other. All administrations have made substantial contributions to the people of this country. We boast of statistics of having over five hundred banks, we can now boast of perhaps having the most money on the books of a country as small as ours as any other part of the world. US\$250 billion is not 'chicken feed' to use the colloquial expression and I think we want to be sure that for the future we all remember how much

energy it has taken us to get this far and how easy it is to loose what we have.

I wish all candidates, because I am not getting in the political arena, success and I ask that we all remember the key ingredients that make Cayman what it is; the stability that we boast about, the corner stone of having Her Majesty's Government and being a dependent of it and the substantial and prudent financial management that we have done over the years. I think one thing is for sure, the people of this country know all of us - our strength, our weaknesses and we rest the Cayman Islands' future in their hands.

Thank you, Mr. President.

MR. PRESIDENT:

As we close the last Session of this Assembly, I believe that we are all aware that whatever the arguments and the strong feelings that have been expressed in the House, all the Members of the House work for the good of Cayman as a whole.

I am most grateful for your kind remarks and for the courtesies of good will of Members in aiding the Chair in the conduct of the business of the House, I share the gratitude of the House, the sterling work of the Clerk, the Deputy Clerk, the Sergeant-at-Arms, the staff and of course, the staff in the back room who provide the fuel that keeps us going from time to time.

My predecessor on his retirement, spoke about the problems of the Governor being also the President of the Assembly. The Constitution of course, provides quite clearly that it is a matter for the Assembly to decide whether or not it wishes to have a Speaker. For my part, I have found it a stimulating and informative role, at times surprising and tempestuous, and I am proud to serve you in that role.

Governors of course, do not play a direct part in politics but it is a fact that the Governor, the Assembly and the Executive Council form the Government in its executive law making capacities. So I am keenly interested in the outcome of the Election. Whatever the outcome, I pledge that I shall continue to work as harmoniously as possible with the duly Elected Government for the continuing stability of Cayman.

I wish all candidates a constructive and clean campaign. I wish them well in presenting their programmes to the electorate and I urge them to bear in mind that the decisions made in the voting booth will be best made by an electorate which has the fullest possible balanced information and has heard an objective debate. I pray that God will bless and guide the voters and the candidates alike.

Thank you.

QUESTION PUT: AGREED: AT 1:32 P.M. THE HOUSE STOOD ADJOURNED SINE DIE.

CAYMAN ISLANDS' LEGISLATIVE ASSEMBLY
FIRST MEETING AFTER THE 1988 GENERAL ELECTIONS

WEDNESDAY, 23RD NOVEMBER, 1988

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR ALAN J SCOTT, CVO, CBE - PRESIDENT

GOVERNMENT OFFICIAL 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

ELECTED MEMBERS

MR W McKEEVA BUSH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR BENSON O EBANKS, OBE	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR JOHN D JEFFERSON	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR W NORMAN BODDEN, OBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MR LINFORD A PIERSON, JP	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MR TRUMAN M BODDEN	THIRD 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 GILBERT A McLEAN	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR ROY BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR FRANKLIN R SMITH	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, JP	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

CAYMAN ISLANDS' LEGISLATIVE ASSEMBLY

ORDER PAPER

**FIRST MEETING OF THE LEGISLATIVE ASSEMBLY AFTER THE
GENERAL ELECTIONS**

WEDNESDAY, 23RD NOVEMBER, 1988

1. Prayers conducted by the Rev. Godfrey Meghoo.
2. The Proclamation by the Governor summoning a Session of the Legislative Assembly is read by the Clerk.
3. Administration of oaths to Members by the Governor.
4. Nominations and election of four Elected Members to Executive Council.

HOUSE SUSPENDS FOR FIFTEEN MINUTES

**FOLLOWING THE DECLARATION OF THE FOUR MEMBERS DULY
ELECTED TO EXECUTIVE COUNCIL THEY CROSS THE FLOOR
AND TAKE THEIR PLACES ON THE GOVERNMENT BENCH**

5. GOVERNMENT BUSINESS:

- (1) Nominations and election of Members to the Standing Public Accounts Committee
- (2) **GOVERNMENT MOTION NO. 1**
Appointment of the Standing Business Committee

To be moved by the Financial Secretary, Hon. Thomas C. Jefferson, OBE., JP. - First Official Member and Leader of Government Business.

- (3) Nominations and election of Members to the Standing Business Committee

- (4) **GOVERNMENT MOTION NO. 2**
Appointment of the Standing House Committee

To be moved by the Financial Secretary, Hon. Thomas C. Jefferson, OBE., JP. - First Official Member and Leader of Government Business.

- (5) Nominations and election of Members to the Standing House Committee.

6. ADJOURNMENT

To be moved **SINE DIE** by the Hon. Thomas C. Jefferson, OBE., JP. First Official Member and Leader of Government Business.

TABLE OF CONTENTS

	PAGE
Prayers	1
Proclamation summoning Meeting of the Legislative Assembly	1
Administration of Oaths or Affirmations to Members	1 - 3
Government Business	
Nominations and election of four Elected Members to Executive Council	3 - 6
Nominations and election of Members to the Standing Public Accounts Committee	6 - 8
Government Motion No. 1 - Re: Appointment of the Standing Business Committee	8 - 10
Government Motion No. 2 - Re: Appointment of the Standing House Committee	10 - 12
Motion for the Adjournment	12
Adjournment	17

WEDNESDAY
23RD NOVEMBER, 1988

10:00 A.M.

MR. PRESIDENT:

The Assembly is in Session.
I would ask the Rev. Godfrey Meghoo to say Prayers.

PRAYERS

REV. GODFREY MEGHOO:

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 the light of His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT:

Please be seated.

THE PROCLAMATION

CLERK:

Proclamation No. 10 of 1988 by His Excellency Alan James Scott, Commander of the Royal Victorian Order, Commander of the Most Excellent Order of the British Empire, Governor of the Cayman Islands.

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

Now therefore under and by virtue of the powers vested in me by the aforesaid Order, I, Alan James Scott, Commander of the Royal Victorian Order, Commander of the Most Excellent Order of the British Empire, Governor of the Cayman Islands, do hereby proclaim and make known that the Session of 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 Wednesday 23rd November One Thousand Nine Hundred and Eighty-eight.

Given under my hand and the public seal of the Cayman Islands at George Town on the Island of Grand Cayman this 24th day of October in the year of our Lord one Thousand Nine Hundred and Eighty-Eight in the Thirty Seventh Year of the Reign of Her Majesty Queen Elizabeth II.

God Save The Queen.

MR. PRESIDENT:

Thank you.
We proceed next to the Swearing in of Members. I would be grateful if during this ceremony all persons present will stand.

ADMINISTRATION OF OATHS OR AFFIRMATIONS

CLERK:

Thomas Carroll Jefferson.

OATH OF ALLEGIANCE

(Mr. Thomas Carroll Jefferson. OBE., JP., Financial Secretary,
as First Official Member and Leader of Government Business)

HON. THOMAS C. JEFFERSON:

I, Thomas Carroll Jefferson, 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.

CLERK: Richard William Ground.

OATH OF ALLEGIANCE
(Mr. Richard William Ground, QC, Attorney General,
as the Second Official Member)

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.

CLERK: John Lemuel Hurlston.

OATH OF ALLEGIANCE
(Mr. John Lemuel Hurlston, MBE., JP., Administrative Secretary,
as the Third Official Member)

HON. J. LEMUEL HURLSTON: I, John Lemuel Hurlston 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.

CLERK: William McKeeva Bush.

OATH OF AFFIRMATION
(Mr. W. McKeeva Bush, First Elected Member for West Bay)

MR. W. McKEEVA BUSH: I, William McKeeva Bush do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to Law.

CLERK: Benson Obadiah Ebanks.

OATH OF ALLEGIANCE
(Mr. Benson Obadiah Ebanks, OBE.,
Second Elected Member for West Bay)

MR. BENSON O. EBANKS: I, Benson Obadiah Ebanks do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to Law. So help me God.

CLERK: John Dwight Jefferson Jr.

OATH OF AFFIRMATION
(Mr. John Dwight Jefferson Jr., Third
Elected Member for West Bay)

MR. JOHN D. JEFFERSON: I, John Dwight Jefferson do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to Law.

CLERK: William Norman Bodden.

OATH OF AFFIRMATION
(Mr. William Norman Bodden, OBE., First Elected
Member for George Town)

MR. W. NORMAN BODDEN: I, William Norman Bodden do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to Law.

CLERK: Linford Ainsworth Pierson.

OATH OF AFFIRMATION
(Mr. Linford Ainsworth Pierson, JP., Second
Elected Member for George Town)

MR. LINFORD A. PIERSON: I, Linford Ainsworth Pierson do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to Law.

CLERK: Truman Murray Bodden.

OATH OF ALLEGIANCE
(Mr. Truman Murray Bodden, Third Elected
Member for George Town)

MR. TRUMAN M. BODDEN: I, Truman Murray Bodden 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.

CLERK: Mabry Salisbury Kirkconnell.

OATH OF AFFIRMATION
(Capt. Mabry Salisbury Kirkconnell, First
Elected Member for the Lesser Islands)

CAPT. MABRY S. KIRKCONNELL: I, Mabry Salisbury Kirkconnell do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to Law.

CLERK: Gilbert Alan McLean.

OATH OF AFFIRMATION
(Mr. Gilbert Alan McLean, Second Elected
Member for the Lesser Islands)

MR. GILBERT A. McLEAN: I, Gilbert Alan McLean do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II her heirs and successors, according to Law.

CLERK: Roy Bodden.

OATH OF AFFIRMATION
(Mr. Roy Bodden, First Elected Member
for Bodden Town)

MR. ROY BODDEN: I, Roy Bodden do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to Law.

CLERK: Franklin Roosevelt Smith.

OATH OF AFFIRMATION
(Mr. Franklin Roosevelt Smith, Second
Elected Member for Bodden Town)

MR. FRANKLIN R. SMITH: I, Franklin Roosevelt Smith do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to Law.

CLERK: Dennison Ezzard Miller.

OATH OF AFFIRMATION
(Mr. Dennison Ezzard Miller, Elected
Member for North Side)

MR. D. EZZARD MILLER: I, Dennison Ezzard Miller do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to Law.

CLERK: John Bonwell McLean.

OATH OF ALLEGIANCE
(Mr. John Bonwell McLean, JP., Elected
Member for East End)

MR. JOHN B. McLEAN: I, John Bonwell McLean Sr. 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.

MR. PRESIDENT: Please be seated.
We now move to Item 4 on today's Order Paper. The nominations and election of four Elected Members to the Executive Council.

GOVERNMENT BUSINESS

**NOMINATIONS AND ELECTION OF FOUR ELECTED
MEMBERS TO THE EXECUTIVE COUNCIL**

The procedure for this Election is laid down under Section 5 of the Constitution, and under Standing Order No. 5 of the Orders of the House.

First I propose, subject to there being no objection from Members, to appoint the First and the Third Official Members as Scrutineers for this Election. May I have it you agree to that? Thank you.

I shall now call for nominations to the Executive Council by voice. Each nomination will require a proposer and a seconder and, may I just say that at this stage we shall use the names of Honourable Members rather than their districts so that the public can understand who is being referred to more easily.

Therefore I call for nominations to the Executive Council.

NOMINATION OF MR. W. NORMAN BODDEN

MR. ROY BODDEN: Mr. President, I respectfully beg to nominate Mr. William Norman Bodden.

MR. FRANKLIN R. SMITH: Mr. President, I beg to second the nomination of Mr. William Norman Bodden.

MR. PRESIDENT: Thank you.
Mr. William Norman Bodden is proposed by Mr. Roy Bodden, seconded by Mr. Franklin Smith.

NOMINATION OF MR. W. McKEEVA BUSH

MR. GILBERT A. McLEAN: Mr. President, I beg to nominate Mr. W. McKeeva Bush.

MR. JOHN B. McLEAN: Mr. President, I beg to second that nomination.

MR. PRESIDENT: Mr. McKeeva Bush is nominated proposed by Mr. Gilbert McLean, seconded by Mr. John McLean.

NOMINATION OF MR. LINFORD A. PIERSON

MR. BENSON O. EBANKS: Mr. President, I beg to nominate Mr. Linford Pierson as a Member of Executive Council.

MR. W. NORMAN BODDEN: Mr. President, I beg to second that nomination.

MR. PRESIDENT: The third nomination is Mr. Linford Pierson nominated by Mr. Benson Ebanks seconded by Mr. Norman Bodden.

NOMINATION OF MR. BENSON O. EBANKS

MR. W. McKEEVA BUSH: Mr. President, I beg to nominate Mr. Benson O. Ebanks.

MR. D. EZZARD MILLER: Mr. President, I beg to second the nomination of Mr. Benson Ebanks.

MR. PRESIDENT: The fourth nomination is Mr. Benson Ebanks nominated by Mr. McKeeva Bush seconded by Mr. Ezzard Miller.

NOMINATION OF MR. D. EZZARD MILLER

MR. FRANKLIN R. SMITH: Mr. President, I beg to nominate Mr. Ezzard Miller.

MR. LINFORD A. PIERSON: Mr. President, I beg to second that nomination.

MR. PRESIDENT: The fifth nomination is Mr. Ezzard Miller nominated by Mr. Franklin Smith, seconded by Mr. Linford Pierson.

NOMINATION OF MR. FRANKLIN R. SMITH

MR. JOHN B. McLEAN: Mr. President, I beg to nominate Mr. Franklin Smith.

MR. GILBERT A. McLEAN: Mr. President, I beg to second it.

MR. PRESIDENT: Mr. Franklin Smith is the sixth nomination nominated by Mr. John McLean and seconded by Mr. Gilbert McLean.

NOMINATION OF CAPT. MABRY S. KIRKCONNELL

MR. GILBERT A. McLEAN: Mr. President, I beg to nominate Capt. Mabry Kirkconnell.

MR. JOHN B. McLEAN: Mr. President, I beg to second the nomination.

MR. PRESIDENT: The seventh nomination is Capt. Mabry Kirkconnell nominated by Mr. Gilbert McLean and seconded by Mr. John McLean.

NOMINATION OF MR. JOHN B. McLEAN

MR. JOHN D. JEFFERSON: Mr. President, I beg to nominate Mr. John B. McLean.

CAPT. MABRY S. KIRKCONNELL: Mr. President, I beg to second the nomination of Mr. John McLean.

MR. PRESIDENT: The eighth nomination is Mr. John McLean nominated by Mr. John Jefferson seconded by Capt. Mabry Kirkconnell.

NOMINATION OF MR. ROY BODDEN

MR. GILBERT A. McLEAN: Mr. President, I beg to nominate Mr. Roy Bodden.

MR. JOHN D. JEFFERSON: Mr. President, I wish to second that nomination.

MR. PRESIDENT: Ninth nomination is Mr. Roy Bodden nominated by Mr. Gilbert McLean and seconded by Mr. John Jefferson.

MR. PRESIDENT: There appears to be no more nominations.

NOMINATION OF MR. JOHN D. JEFFERSON, JR.

MR. D. EZZARD MILLER: Mr. President, I beg to nominate John Jefferson Jr.

MR. ROY BODDEN: Mr. President, I beg to second that.

MR. PRESIDENT: The tenth nomination is Mr. John Jefferson nominated by Mr. Ezzard Miller and seconded by Mr. Roy Bodden.

I would ask you please to keep the peace. May I take it that nominations are now closed. Thank you.

If I may now say a few words about procedures for this Election. Since clearly there has to be an Election among ten people for four places. The first point, and this is for the benefit of the members of the public because the Members of the House already know about this, that following the last Election of Members to Executive Council in 1984 the Standing Orders Committee of this House, which is the whole House sitting as a Committee, decided to amend Standing Orders so that no longer do Standing Orders provide for a first, second, third and fourth Elected Member of Executive Council. They simply provide that four persons shall be elected as Members of Executive Council, so what we shall now be having is an election simply to elect four Members of Executive Council.

On the matter of procedures: When the Clerk has written up the list she will hand it to me and I shall read out the name of each Member nominated and ask if they are willing

to stand. That completed, we shall suspend for a few minutes while the Clerk prepares the ballot papers. When we return, first of all the Serjeant-at-Arms will take the Ballot Box around to Members and open it to show you that there is nothing inside it.

He will then return the box to the Table.

Next he will take around to Members, one ballot paper each and a pencil. I shall then ask you to record your votes. You may record the votes for four candidates only, because there are only four places. If any paper is marked with more than four candidates it will be deemed spoilt and cannot be counted in the counting. You should not sign your papers. Papers should not be identifiable. Please do not sign them. I suggest you fold your paper in four and then the Serjeant will come around with the box and collect them.

He will then return the box to the Clerk in front of the two

Scrutineers we have agreed to appoint, and the Clerk and the two Scrutineers will compile the number of votes.

They will then pass the list to the Chair for reading out. If

there are four of the nominated persons receiving a clear majority of votes over the other six, those four will then be declared elected. If, however, there is a tie between the fourth and fifth, sixth, seventh or however many Members, the first three will be declared elected, and we shall then proceed to a further ballot to elect one.

The same will be the case if, for example, there is a tie

between the second, third, fourth, fifth and sixth Members and so on. If however, there are four Members who obtained, let us say and I merely use figures as examples, nine, six, four and there after lesser numbers, then those four Members will be declared elected, and there is no necessity under the new Standing Orders to have a ballot to break a tie between the third and fourth Members.

Having said all of that I think that I have it right. If I have not

we have the benefit of at least two lawyers with plenty of experience in the House.

Could I now ask the Clerk to hand me the list so I may ask

the nominated Members whether they are prepared to stand in this Election?

Mr. William Norman Bodden, are you willing to stand in this

election?

MR. W. NORMAN BODDEN:

Mr. President, I accept the nomination.

MR. PRESIDENT:

Mr. McKeeva Bush are you willing to stand?

MR. W. McKEEVA BUSH:

No, Mr. President, I cannot accept the nomination. I have seven Members that I was elected with who are non-Unity Members. We have decided we are going to vote that seven. Thank you.

MR. PRESIDENT:

Mr. Linford Pierson are you willing to stand?

MR. LINFORD A. PIERSON:

Mr. President, I accept the nomination.

MR. PRESIDENT:

Mr. Benson Ebanks are you willing to stand?

MR. BENSON O. EBANKS:

Mr. President, I accept the nomination.

MR. PRESIDENT:

Mr. Ezzard Miller are you willing to stand?

MR. D. EZZARD MILLER:

Mr. President, I accept the nomination.

MR. PRESIDENT:

Mr. Franklin Smith are you willing to stand?

MR. FRANKLIN R. SMITH:

Mr. President, I decline.

MR. PRESIDENT:

Capt. Mabry Kirkconnell are you willing to stand?

CAPT. MABRY S. KIRKCONNELL:

Mr. President, I accept the nomination.

MR. PRESIDENT:

Mr. John Jefferson are you willing to stand?

MR. JOHN D. JEFFERSON:

I accept the nomination, Mr. President.

MR. PRESIDENT:

Mr. Roy Bodden, are you willing to stand?

MR. ROY BODDEN:

Mr. President, I respectfully decline. Thank you.

MR. PRESIDENT:

Mr. John McLean, are you prepared to stand?

MR. JOHN B. McLEAN:

Mr. President, I accept the nomination.

MR. PRESIDENT:

Thank you.

In that case, I make that seven Members having accepted to stand. Perhaps, because of the doubt I raised a moment ago I shall read their names again.

Mr. Norman Bodden;
Mr. Linford Pierson;
Mr. Benson Ebanks;
Mr. Ezzard Miller;
Capt. Mabry Kirkconnell;
Mr. John McLean; and
Mr. John Jefferson.

We will now suspend for ten minutes while the Clerk prepares the ballot papers.

AT 10:34 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 10:56 A.M.

MR. PRESIDENT:
Executive Council.

We shall now proceed with the Election of Members to the

around please. Thank you.

First, will the Serjeant-At-Arms take the empty Ballot Box

May I take it that the Scrutineers are satisfied with the forms

of ballot? Would you please be satisfied?
pencil to each Member.
collect the ballots in the Box.

The Serjeant will now distribute one ballot paper and one
Members appear to be ready, would the Serjeant please

(PAUSE FOR THE COUNT OF VOTES)

The result of the voting in the order of the candidates as
nominated is as follows:

Mr. Norman Bodden	-	12 votes;
Capt. Mabry Kirkconnell	-	5 votes;
Mr. John McLean	-	5 votes;
Mr. John Jefferson	-	5 votes;
Mr. Linford Pierson	-	7 votes;
Mr. Benson Ebanks	-	7 votes; and
Mr. Ezzard Miller	-	7 votes.

I therefore declare elected to the Executive Council -

Mr. Norman Bodden;
Mr. Linford Pierson;
Mr. Benson Ebanks; and
Mr. Ezzard Miller.

And in accordance with the tie breaking procedures, we agreed yesterday afternoon in case there were ties...
would they please take their seats on the Government bench in the order of Mr. Norman Bodden, Mr. Benson
Ebanks, Mr. Ezzard Miller, and Mr. Linford Pierson?

Congratulation to the Members duly elected, the House will
now suspend for 10 to 15 minutes.

AT 11:15 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:40 A.M.

MR. PRESIDENT: Proceedings of the House are resumed.
Item 5 on today's Order Paper - Government Business.

**NOMINATION AND ELECTION OF MEMBERS TO THE
STANDING PUBLIC ACCOUNTS COMMITTEE**

First we proceed with the nominations and election of
Members to the Standing Public Accounts Committee. This is a Standing Committee which exists under the
Standing Orders, therefore there is no need to have a motion that it be created.

I shall therefore ask first of all the First Official Member to
read the terms of reference of the Standing Public Accounts Committee.

HON. THOMAS C. JEFFERSON: Mr. President, Honourable Members, the terms of reference
for the Public Accounts Committee are as follows:

"to consider reports of the Auditor General on

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

MR. PRESIDENT: Thank you.
The Standing Orders provide that there shall be five Elected
Members to be Members of this Committee. Therefore, I call for nominations to the Standing Public Accounts
Committee.

NOMINATION OF MR. ROY BODDEN

HON. W. NORMAN BODDEN: Mr. President, I beg to nominate Mr. Roy Bodden to the
Standing Public Accounts Committee.

MR. FRANKLIN R. SMITH: Mr. President, I beg to second the Motion please.

MR. PRESIDENT: Mr. Roy Bodden has been nominated by Mr. Norman
Bodden, seconded by Mr. Franklin Smith.
If Members will forgive me I will continue to use names, it is
more convenient at the moment.

NOMINATION OF MR. W. McKEEVA BUSH

HON. BENSON O. EBANKS: Mr. President, I beg to nominate Mr. McKeeva Bush as a
Member of the Public Accounts Committee.

HON. LINFORD A. PIERSON: Mr. President, I beg to second that nomination.

MR. PRESIDENT: Mr. McKeeva Bush nominated by Mr. Benson Ebanks,
seconded by Mr. Linford Pierson.

NOMINATION OF MR. GILBERT A. McLEAN

MR. ROY BODDEN: Mr. President, I beg to nominate Mr. Gilbert McLean.

MR. JOHN B. McLEAN: Mr. President, I beg to second that nomination.

MR. PRESIDENT: Mr. Gilbert McLean has been nominated by Mr. Roy Bodden, seconded by Mr. John McLean.

NOMINATION OF MR. JOHN D. JEFFERSON, JR.

CAPT. MABRY KIRKCONNELL: Mr. President, I beg to nominate Mr. John Jefferson Jr. as a Member of the Public Accounts Committee.

MR. TRUMAN BODDEN: Mr. President, I second the Motion.

MR. PRESIDENT: Mr. John Jefferson has been nominated by Capt. Mabry Kirkconnell, seconded by Mr. Truman Bodden.

NOMINATION OF CAPT. MABRY S. KIRKCONNELL

HON. W. NORMAN BODDEN: Mr. President, I beg to nominate Capt. Mabry Kirkconnell.

MR. ROY BODDEN: Mr. President, I second that nomination.

MR. PRESIDENT: Capt. Mabry Kirkconnell has been nominated by Mr. Norman Bodden, seconded by Mr. Roy Bodden.

NOMINATION OF MR. TRUMAN M. BODDEN

MR. GILBERT A. McLEAN: Mr. President, I beg to nominate Mr. Truman Bodden.

MR. JOHN B. McLEAN: Mr. President, I beg to second that nomination.

MR. PRESIDENT: Mr. Truman Bodden has been nominated by Mr. Gilbert McLean, seconded by Mr. John McLean.

NOMINATION OF MR. FRANKLIN R. SMITH

HON. D. EZZARD MILLER: Mr. President, I beg to nominate Mr. Franklin Smith as a Member of the Public Accounts Committee.

HON. W. NORMAN BODDEN: Mr. President, I beg to second that nomination.

MR. PRESIDENT: Mr. Franklin Smith has been nominated by Mr. Ezzard Miller, seconded by Mr. Norman Bodden.

There appears to be no more nominations. In that case we have seven nominations and Elections will be necessary. I will read the Members nominated again. They are:

- Mr. Roy Bodden
- Mr. McKeeva Bush
- Mr. Gilbert McLean
- Mr. John Jefferson
- Capt. Mabry Kirkconnell
- Mr. Truman Bodden; and
- Mr. Franklin Smith.

Could I ask each of those Members whether they will signify that they are prepared to stand, and if elected to serve on this Committee.

Mr. Roy Bodden.

MR. ROY BODDEN: Mr. President, I am willing to stand if I am elected. Thank you.

MR. PRESIDENT: Mr. McKeeva Bush.

MR. W. McKEEVA BUSH: I accept the nomination.

MR. PRESIDENT: Mr. Gilbert McLean.

MR. GILBERT A. McLEAN: I accept the nomination.

MR. PRESIDENT: Mr. John Jefferson.

MR. JOHN D. JEFFERSON: I accept the nomination.

MR. PRESIDENT: Capt. Mabry Kirkconnell.

CAPT. MABRY S. KIRKCONNELL: I accept the nomination, Mr. President.

MR. PRESIDENT: Mr. Truman Bodden.

MR. TRUMAN M. BODDEN: I accept.

MR. PRESIDENT: Mr. Franklin Smith.

MR. FRANKLIN R. SMITH: Mr. President, I accept the nomination.

MR. PRESIDENT: I would proposed to proceed by ballot unless Members would wish to do it on the voice. Would you give me some indication what you would prefer?...By ballot? Thank you.

In that case we would suspend for a few minutes while the

Clerk prepares the papers.

HOUSE RESUMED AT 11:55 A.M.

MR. PRESIDENT: Proceedings are resumed.
The Election to the Standing Public Account Committee. I wonder if Members would accept that it is sufficient if the Clerk holds up the Ballot Box rather than to walk it round? Would that be all right? Turn it up side down and give it a good shake, fine.

MR. TRUMAN M. BODDEN: I prefer him at that distance, Sir.

MR. PRESIDENT: Would you now take round the ballot papers, please?

HON. THOMAS C. JEFFERSON: Mr. President I would like to declare that the three Official Members will not be voting in these Elections.

(PAUSE FOR THE COUNT)

MR. PRESIDENT: The result of that Election, and I shall read the names in order of nomination:

Mr. Roy Bodden	-	7 votes
Mr. McKeeva Bush	-	8 votes
Mr. Gilbert McLean	-	1 vote
Mr. John Jefferson	-	12 votes
Capt. Mabry Kirkconnell	-	7 votes
Mr. Truman Bodden	-	5 votes
Mr. Franklin Smith	-	7 votes.

As five Members are required for this Committee I declare elected -

- Mr. John Jefferson
- Mr. McKeeva Bush
- Mr. Roy Bodden
- Capt. Mabry Kirkconnell, and
- Mr. Franklin Smith.

In the matter of a Chairman, Standing Orders are not terribly precise but it would seem that the Presiding Officer may nominate the Chairman. If he does not make a nomination the Committee shall elect one of its Members to be Chairman. I would much prefer the latter for this Committee, so I will therefore leave it to the five duly Elected Members. Thank you.

Government Business continued.

Business Committee, the Honourable First Official Member.
Government Motion No. 1, appointment of the Standing

**GOVERNMENT MOTION NO. 1/88
APPOINTMENT OF THE STANDING BUSINESS COMMITTEE**

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move Government Motion No. 1 for the appointment of the Standing Business Committee, and it reads:

"Be it resolved that this Legislative Assembly appoints a Standing Business Committee with the following terms of reference;

- (a) to decide and inform the Clerk on Tuesday of each week during Meetings the order in which Private Members Motions will be debated on each Thursday;
- (b) to decide and to inform the Clerk two clear days before each Question Day the questions to be put down for reply on the Order Paper;
- (c) to provide a ready means of consultation between Members of the Assembly who are not Members of the Executive Council, and the Leader of a Government Business, the Presiding Officer and Clerk;
- (d) to select a Member to read Prayers on each day other than the State Opening Meeting; and
- (e) generally to prepare the Business Papers of the House.

BE IT FURTHER RESOLVED THAT this Standing Business Committee be comprised of the Honourable First Official Member as Chairman and four other Members.

AND BE IT FURTHER RESOLVED THAT the quorum will be set at three Members include the Chairman and the Committee shall meet each Monday during meeting of the House, and as called by the Chairman or at the request of the Clerk."

MR. PRESIDENT: The Motion is open for debate.
Does any Member wish to speak? In that case I will put the question.

QUESTION PUT: AGREED.

**NOMINATION AND ELECTION OF MEMBERS TO
THE STANDING BUSINESS COMMITTEE**

MR. PRESIDENT: We will now proceed to the Election of four Members to the Standing Business Committee, the Motion having provided that the First Official Member shall be Chairman. Could I therefore call for nominations to the Standing Business Committee of the House?

NOMINATION OF MR. ROY BODDEN

HON. BENSON O. EBANKS: Mr. President, I beg to nominate Mr. Roy Bodden as a Member of the Standing Business Committee.

HON. W. NORMAN BODDEN:

Mr. President, I beg to second that nomination.

MR. PRESIDENT:
Benson Ebanks, seconded by Mr. Norman Bodden.

Mr. Roy Bodden has been nominated by Mr.

NOMINATION OF MR. GILBERT A. McLEAN

MR. TRUMAN M. BODDEN:
McLean.

Mr. President, I beg to nominate Mr. Gilbert

CAPT. MABRY S. KIRKCONNELL:

Mr. President, I beg to second that nomination.

MR. PRESIDENT:
Truman Bodden, seconded by Capt. Mabry Kirkconnell.

Mr. Gilbert McLean has been nominated by Mr.

NOMINATION OF MR. JOHN McLEAN

MR. JOHN D. JEFFERSON:
McLean.

Mr. President, I beg to nominate Mr. John

MR. GILBERT A. McLEAN:

Mr. President, I beg to second that.

MR. PRESIDENT:
John Jefferson and seconded by Mr. Gilbert McLean.

Mr. John McLean has been nominated by Mr.

NOMINATION OF MR. W. McKEEVA BUSH

HON. LINFORD A. PIERSON:
Bush.

Mr. President, I beg to nominate Mr. McKeeva

HON. BENSON O. EBANKS:
Mr. McKeeva Bush.

Mr. President, I beg to second the nomination of

MR. PRESIDENT:
Linford Pierson, seconded by Mr. Benson Ebanks.

Mr. McKeeva Bush has been nominated by Mr.

NOMINATION OF CAPT. MABRY S. KIRKCONNELL

HON. BENSON O. EBANKS:
Kirkconnell as a Member.

Mr. President, I beg to nominate Capt. Mabry

HON. W. NORMAN BODDEN:

Mr. President, I beg to second that nomination.

MR. PRESIDENT:
Mr. Benson Ebanks, seconded by Mr. Norman Bodden.

Capt. Mabry Kirkconnell has been nominated by

NOMINATION OF MR. TRUMAN M. BODDEN

MR. JOHN D. JEFFERSON:
Bodden.

Mr. President, I beg to nominate Mr. Truman

MR. JOHN B. McLEAN:

Mr. President, I beg to second that nomination.

MR. PRESIDENT:
John Jefferson, seconded by Mr. John McLean.

Mr. Truman Bodden has been nominated by Mr.

NOMINATION OF MR. JOHN D. JEFFERSON, JR.

CAPT. MABRY S. KIRKCONNELL:
Jefferson, Jr.

Mr. President, I beg to nominate Mr. John

MR. TRUMAN BODDEN:

I second the motion, Mr. President.

MR. PRESIDENT:
Mabry Kirkconnell, seconded by Mr. Truman Bodden.

Mr. John Jefferson has been nominated by Capt.

NOMINATION OF MR. FRANKLIN R. SMITH

HON. D. EZZARD MILLER:
Smith.

Mr. President, I beg to nominate Mr. Franklin

HON. W. NORMAN BODDEN:

Mr. President, I beg to second that nomination.

MR. PRESIDENT:
Ezzard Miller, seconded by Mr. Norman Bodden.

Mr. Franklin Smith has been nominated by Mr.

If there are no other nominations, could I call upon those nominated to signify whether they are prepared to stand?
Mr. Roy Bodden?

MR. ROY BODDEN:

Mr. President, I am prepared to stand, thank you.

MR. PRESIDENT:

Mr. Gilbert McLean?

MR. GILBERT A. McLEAN:

I am prepared to stand.

MR. PRESIDENT:

Mr. John McLean?

MR. JOHN B. McLEAN:

The nomination is accepted.

MR. PRESIDENT:

Mr. McKeeva Bush?

MR. W. McKEEVA BUSH: Mr. President, I accept the nomination.

MR. PRESIDENT: Capt. Mabry Kirkconnell?

CAPT. MABRY S. KIRKCONNELL: Mr. President, I accept the nomination.

MR. PRESIDENT: Mr. Truman Bodden?

MR. TRUMAN M. BODDEN: I accept Sir.

MR. PRESIDENT: Mr. John Jefferson?

MR. JOHN D. JEFFERSON: Mr. President, I accept the nomination.

MR. PRESIDENT: Mr. Franklin Smith?

MR. FRANKLIN R. SMITH: Mr. President, I accept the nomination.

MR. PRESIDENT: We will suspend for a few minutes while the Clerk prepares the papers.

AT 12:13 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 12:23 A.M.

MR. PRESIDENT: Proceedings are resumed.
Election to the Standing Business Committee.
Will the Serjeant please demonstrate the
cleanliness of the Box?
Would the First and Third Official Members
please act again as Scrutineers?

(PAUSE OF THE COUNT)

The result of that Election to the Standing Business Committee of the House and I shall read the results in the order of nomination:

Mr. Roy Bodden	-	7 votes
Mr. Gilbert McLean	-	3 votes
Mr. John McLean	-	3 votes
Mr. McKeeva Bush	-	7 votes
Capt. Mabry Kirkconnell	-	9 votes
Mr. Truman Bodden	-	4 votes
Mr. John Jefferson	-	4 votes
Mr. Franklin Smith	-	7 votes.

Therefore, declared elected are:

Capt. Mabry Kirkconnell
Mr. Roy Bodden
Mr. McKeeva Bush and
Mr. Franklin Smith.

The Chairman, of course under the terms of the Motion, is the First Official Member.
The next item of Business is the appointment of the Standing House Committee - Government Motion No. 2. The Honourable First Official Member.

**GOVERNMENT MOTION NO. 2/88
APPOINTMENT OF THE STANDING HOUSE COMMITTEE**

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move Government Motion No. 2 entitled, Appointment of the Stand House Committee, which reads:

"Be it resolved that this Legislative Assembly appoints a Standing House Committee with the following terms of reference. To make recommendations to the Assembly:

- (a) for matters affecting the working conditions, comfort or facilities for Members during sittings of the Assembly;
- (b) for any matters affecting the working condition, comfort of facilities for the staff of the Assembly;
- (c) for the operation and maintenance of the library of the Assembly, and the provision of research facilities;
- (d) for the maintenance, upkeep, furnishing and equipment of the Legislative Building.

Be it further resolved that this Standing House Committee should be comprise of five Elected Members one of whom will be Elected by the Members as chairman, and one as Deputy Chairman.

And be it further resolved that the quorum shall be three Members to include the Chairman or Deputy Chairman."

MR. PRESIDENT: The Motion is open for debate.
Does any Member wish to speak? In that case I will put the question.

QUESTION PUT: AGREED.

MR. PRESIDENT: We now move to the nominations for five Elected Members of the Standing House Committee. May I ask for nominations.

NOMINATION OF MR. ROY BODDEN

HON. BENSON O. EBANKS: Mr. President, I beg to nominate Mr. Roy Bodden as a Member of the Standing House Committee.

HON. W. NORMAN BODDEN: Mr. President, I beg to second that nomination.

MR. PRESIDENT: Mr. Roy Bodden has been nominated by Mr. Benson Ebanks, seconded by Mr. Norman Bodden.

NOMINATION OF MR. TRUMAN BODDEN

MR. JOHN D. JEFFERSON: Mr. President, I beg to nominate Mr. Truman Bodden.

MR. GILBERT A. McLEAN: I beg to second that.

MR. PRESIDENT: Mr. Truman Bodden has been nominated by Mr. John Jefferson, seconded by Mr. Gilbert McLean.

NOMINATION OF MR. FRANKLIN R. SMITH

HON. D. EZZARD MILLER: Mr. President, I beg to nominate Mr. Franklin Smith.

HON. W. NORMAN BODDEN: Mr. President, I beg to second that nomination.

MR. PRESIDENT: Mr. Franklin Smith has been nominated by Mr. Ezzard Miller, seconded by Mr. Norman Bodden.

NOMINATION OF MR. McKEEVA BUSH

HON. LINFORD A. PIERSON: Mr. President, I beg to nominate Mr. McKeeva Bush.

HON. BENSON O. EBANKS: Mr. President, I beg to second that nomination.

MR. PRESIDENT: Mr. McKeeva Bush has been nominated by Mr. Linford Pierson and seconded by Mr. Benson Ebanks.

NOMINATION OF CAPT. MABRY S. KIRKCONNELL

MR. GILBERT McLEAN: Mr. President, I wish to nominate Capt. Mabry Kirkconnell.

HON. W. NORMAN BODDEN: Mr. President, I beg to second that nomination.

MR. PRESIDENT: Capt. Mabry Kirkconnell has been nominated, seconded by Mr. Norman Bodden. That is five so far.

NOMINATION OF MR. JOHN B. McLEAN

HON. LINFORD A. PIERSON: Mr. President, I beg to nominate Mr. John McLean.

MR. W. McKEEVA BUSH: Mr. President, I second that nomination.

MR. PRESIDENT: Mr. John McLean has been nominated by Mr. Linford Pierson, seconded by Mr. McKeeva Bush.

NOMINATION OF MR. GILBERT McLEAN

CAPT. MABRY KIRKCONNELL: Mr. President, I beg to nominate Mr. Gilbert McLean.

MR. ROY BODDEN: Mr. President, I would like to second that.

MR. PRESIDENT: Mr. Gilbert McLean has been nominated by Capt. Mabry Kirkconnell, seconded by Mr. Roy Bodden.

are prepared to stand?

There appears to be no other nominations. May I now ask the Members nominated if they are prepared to stand?

MR. ROY BODDEN: Mr. President, I am prepared to stand, thank you.

MR. PRESIDENT: Mr. Truman Bodden?

MR. TRUMAN M. BODDEN: I wish to decline. It will simplify matters, Sir.

MR. PRESIDENT: Mr. Franklin Smith?

MR. FRANKLIN R. SMITH: Mr. President, I accept the nomination.

MR. PRESIDENT: Mr. McKeeva Bush?

MR. W. McKEEVA BUSH: Mr. President, I accept the nomination.

MR. PRESIDENT:

Capt. Mabry Kirkconnell?

CAPT. MABRY S. KIRKCONNELL:

Mr. President, I beg to decline the nomination.

MR. PRESIDENT:

Mr. John McLean?

MR. JOHN B. McLEAN:

Mr. President, I accept.

MR. PRESIDENT:

Mr. Gilbert McLean?

MR. GILBERT A. McLEAN:

Mr. President, I accept.

MR. PRESIDENT:

Members have accepted nominations, and two have declined.
nominations -

In that case, if my arithmetic is correct, five
There is no need to proceed to a vote.
May I therefore declare Elected in the order of

- Mr. Roy Bodden
- Mr. Franklin Smith
- Mr. McKeeva Bush
- Mr. John McLean
- Mr. Gilbert McLean,

and in the terms of the Motion the five Members may elect their own Chairman and Deputy Chairman.
The Honourable First Official Member.

MOTION FOR THE ADJOURNMENT

HON. THOMAS C. JEFFERSON:
Honourable House sine die.

Mr. President, I move the adjournment of this

**MATTERS RAISED AFTER THE
MOTION FOR THE ADJOURNMENT**

MR. PRESIDENT:

Before I put the question to Members may I
explain that within the next week or two I hope to propose dates for the meetings of the Legislative Assembly
during the coming year. The precise dates will not be available, but I think we may assume that the Budget and
Throne Speech Meeting will be around the third week in February. The Motion is open for debate.

The Honourable Norman Bodden.

HON. W. NORMAN BODDEN:

of responsibility that today I take a place in this Honourable House to serve my country for another four years.

cross section of George Towners who supported me at the polls, as well as to my colleagues in this Honourable
House for Electing me to serve on Executive Council. By God's help and your continuing support the trust that
you, my colleagues and the populace of George Town have placed in me will not be betrayed.

continuation of good Government through the high principles which have made the Cayman Islands a success
today. I will always remember that while I am one of the three Elected Members for George Town, I am also a
representative of all of the people of the Cayman Islands.

is true that the results of the democratic process will always please some people and displease others, but I trust
that the high values of this tested and tried system will always prevail and be respected in our land, where the
power of the ballot and the results of the honest and fair elections can place in action the wishes of the majority of
the people.

have once again spoken and the message is loud and clear. There are lessons to be learned from the 1988
General Elections, but let it be clearly understood that this country will not bow to mob rule. Let us resolve today
that our Government will never, ever be run from behind the scenes by wealthy self-servers, be they local or
imported, but let us instead show the world that this small democratic Caribbean country will remain stable and
strong, and will be operated from the floor of this Honourable House through free and open debate and reasoned
decisions handed down from the respected rooms or Executive Council.

remain stable and secure through the fair and democratic system inherited from our forefathers, and preserved
and maintained through our continuing close Colony link with the great United Kingdom. This has been a hard
won battle and the victory is for the future of the Cayman Islands, not for the egos of any individual. Of course,
this can only be realized through the combined efforts of all of us, as we tackle with determination the pressing
issues facing our developing country today. Our work is definitely cut out for us as we strive to keep our
country's economy strong and vibrant, as we endeavour to curb our growing crime rate, as we launch an all out
attack on our drug problems, and as we address our immigration and caymanian protection law revisions.

Governor of these Islands and as President of this House, as well as working along with all other Elected and
Official Members. In the weeks, months and years ahead, as we set about the serious business of our country, as
we move forward into the nineties some hard decisions will have to be taken, some facts will have to be analyzed
and certain plans will have to be implemented. These will all demand true dedication, and will test the very metal
of which we are all made.

Cayman Islands it is possible to build an even better country for all who call these Islands home to continue to
enjoy and to be able to do so with pride, dignity, and satisfaction.

I thank you Mr. President.

MR. PRESIDENT:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

to thank the people of Bodden Town for giving my colleague and I an overwhelming and historically precedent
setting mandate. I would like to say on behalf of Franklin and myself that we know what they expect and we will
try as best we can, with their support and with the guidance of God, to live up to their expectations.

I would like to say that I have come here

academically well prepared, perhaps better prepared than anyone who has sat in this Assembly from Bodden Town before. But for me it is a learning experience, and I would like to say very humbly and very sincerely that I expect help and guidance from anyone and everyone who can offer it, and I would like to succeed but being the Roy I am, I will always remain humble, and I will try to conduct myself with piety, decorum, and good manners which bespeaks the academia and the representative that I try to be.

I would say to my colleagues that sometimes in the heat of argument, adversarial and partisan politics, I might get a little off the cuff but no serious hatred or malice is intended. I will always try to be respectful, and I expect in return the mutual respect. Please, I come as a learner, and in the best interest and with all the sincerity of a Legislator who wants the best not only for Bodden Town, but for the Cayman Islands. I look forward to a fruitful and successful four years.

Thank you.

MR. PRESIDENT:

The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN:

Mr. President, I would first thank God and the people of George Town for voting for me to be one of their representatives in George Town. I now represent all constituents, not just those who have voted for me. My duty is to the people of these Cayman Islands as a whole. My duty is to see that Laws and other measures before this Honourable House are in the interest of my people as a whole.

As an independent Member in this House, I will vote 'No' to Laws and measures not in the interest of my people. Conversely, I will not hesitate to vote 'Yes' when Laws and measures are for the good of the Cayman Islands. This Legislative Assembly is a democratic parliament presided over by you, as Governor of a Government. I assure you that I will give the respect to you and other Members, the Clerk and her staff that this august Chamber traditionally carries. But I would remind Members that this respect is a two way street, in short, respect begets respect.

As a lawyer I undertake to continue, as I have always done during my life, to abide by the Laws of the Cayman Islands, and also the Standing Orders of this Honourable House. I will assist you, Mr. President whenever possible to see that no breach of these occurs.

For this Legislature to democratically function there must be reasonable communication between Members and this must be mutual. I respect the fundamental rights of the people of the Cayman Islands and I will ensure that such rights as the freedom of speech are preserved, not only in this Chamber but in the Islands generally. The right for any person in this country to hold a public meeting or make a public speech in any part of these three Islands is a corner stone of democracy.

I have set out my promises and solutions to the Cayman Islands' pressing problems in a detailed manifesto. While as a Backbencher I am in a restricted position to have Laws and measures passed in this House as I am a minority, I will do my best to bring these matters to this Honourable House in debate by motions and questions, and thus put these to the Government, who are in a position to put them into effect if they so wish.

Today is my little girl's third birthday. This reminds me much more forcefully that it is my duty to her and to other innocent children like her in the Cayman Islands to make sure that future generations of this country are entitled to live in these Islands free from the horrors of crime, drugs and victimization. The future of our children is of the utmost importance to me. We must never forget that the Roman Empire which existed for a thousand years, and ruled the then known world fell not from its enemies on the outside but because of corruption from the then Rome.

I would especially like to thank my wife and family, and my committee who worked very hard during the Election campaign. To the people of the Cayman Islands may God bless you all, and I undertake to represent you to the best of my ability.

Thank you.

MR. PRESIDENT:

The Second Elected Member for Bodden Town.

MR. FRANKLIN R. SMITH:

Mr. President, I would like to take the opportunity at this time to thank all the constituents of Bodden Town who supported me during this Election, and I promise to serve them faithfully and to the best of my ability.

Thank you.

MR. PRESIDENT:

The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL:

Mr. President, I would like to take this opportunity to thank my supporters in Cayman Brac who have again return me to this House, as the First Elected Member for the Third Electoral District. I say to each of them a great big thank you. I would also say to them the Election is now over, let us all unite, even those that did not support me. I ask for your cooperation and your support in the four hard years we have ahead.

For me to say today that I am not disappointed that my district has not received favour of a seat on the Executive Council, I would be betraying my conscience. I have grave concerns, but a democratic process prevails which I support one hundred per cent and I accept the vote of the majority. This bears out the statement I made here in this Honourable House when I announced that I would seek re-election. I said that the first four years that I have served here I had voted with the Government when I thought they were right, and against when I thought they were wrong. The second four years I had the same policy. The results are evident here today, and I pledge to all of the people of the Cayman Islands that I will do my very best to represent the Cayman Islands as a whole, and the Third Electoral District in particular, to the very best of my ability.

One of my greatest concerns is that we never do anything to sever our relationship with our Mother Country, the United Kingdom, and I pledge to all of the people of the Cayman Islands today that I shall do everything within my power to see that this tie is made stronger, if that is possible.

I ask the Elected Members of the Executive Council to remember that our Third Electoral District is unique in the fact that there is sixty miles of water separating these Islands from Grand Cayman. Our needs are considerably different from roads connections with the central Government here in George Town. I know each of these Honourable Members are very familiar with that and I ask today, humbly, for their cooperation for my people's needs, as they are sincere. Without their cooperation I fully understand the mechanism of our Government. The power now rests in the four Elected Members of the Executive Council, with you as His Excellency and the three Official Members. I pledge my support to them on anything that they do that I feel is in the best interest of good Government, and the people of these Islands.

I have put the Election and my disappointments behind me and I ask Almighty God for his guidance of myself and all Elected Members here today that we shall do what is right, that we shall unite for a common cause, and move the Cayman Islands ahead to the future.

Thank you, Mr. President.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON:

Mr. President, I am grateful for the opportunity to say thanks to the people of West Bay who supported me in the recent Election. I would also like to say thanks to my two running mates Mr. Garston Smith and Mr. Dalmain Ebanks and to the members of the CI Action Committee who stood shoulder to shoulder with me during our political campaign. I want my fellow West Bayers to know that even though I will be a David in the political arena of giants, I am prepared to stand by you and fight to ensure that you and all Caymanians get your fair share of the prosperity we are experiencing in this country.

I would like to make it clear that I am prepared to work with the other Elected Members of West Bay in ensuring that some of our common campaign commitments are fulfilled for the people of West Bay. I trust that we, as Legislators, are prepared to put aside our differences and work together for the common cause of providing our Caymanian people with the best possible representation and to ensure the continued political stability and economic prosperity of our Islands.

Fellow Caymanians I would like to invite you to join hands with us in our struggle to deal with the serious problems with crime, drugs, and the other social ills we are faced with in this country.

I just want the people of West Bay to know that my doors will always be open to them, and that they should call on me whenever they need me.

I am concerned with the trend I see creeping into the political arena in this country, which is the attitude of power at any cost. We must ensure that at all times the electoral process works, and the people of the Cayman Islands are never deprived of their constitutional right to vote. I urge you, Sir, to ensure that the incident of irregularities which have been brought to your attention are fully investigated, and that justice is administered.

I would like to say that I look forward to working with you in the Legislative Assembly over the next four years.

Lastly, I would like to thank my wife Rena and my children for being so understanding and supportive in the past few months which has been a very difficult time for us all. Caymanians, hold your heads high and be proud to be Caymanians. To my supporters and family I would like to say keep the faith and may God bless you.

Thank you Sir.

MR. PRESIDENT:
Islands.

The Second Elected Member for the Lesser

MR. GILBERT A. McLEAN:

Mr. President, on this momentous occasion I am glad to have the opportunity to speak. First of all I would like to thank the people of Cayman Brac and Little Cayman for the historic honour that they have given me to represent them in the Legislative Assembly. I wish to thank all of the people who supported me in Cayman Brac and Little Cayman and the people in Grand Cayman who supported me. Their steadfastness of purpose even in the face of conditions which were highly unusual in these Islands where attempts were made to create hatred among ourselves, I am indeed grateful for the trust they placed in me.

Among the supporters were former Members of this Legislative Assembly and I would like to pay special tribute to Capt. Keith Tibbetts and Mr. Alford Scott. I would also like to pay tribute to the immediate past Member of Executive Council for Cayman Brac and Little Cayman, Capt. Charles Kirkconnell who, at his own volition, decided he would not wish to continue further in the political arena and he left this field. Therefore, I and others had the opportunity of attempting to fill that seat. I think he can be justly proud of what he accomplished during his many years in the Legislative Assembly, as a Member of Executive Council, and Cayman Brac and Little Cayman have achieved much particularly in the area of capital works and physical development there I pay my respects to him.

I would like to congratulate the Members of Executive Council, who, through the democratic process, this morning were selected and to say that I realise, and I am sure they do, that they have in their hands the power given them by the people to run this country for another four years.

I, as a Backbencher, intend to see - as far as is possible for an Elected Member of the House - that they do what they are supposed to do.

I am disappointed that in the process here today a Member was not chosen from Cayman Brac and Little Cayman to serve on Executive Council. I strongly believe this is necessary to have the type of representation within the day-to-day working of Government for the interest of Cayman Brac and Little Cayman to be ensured. These two Islands are very unique in that they are detached from the main Island of Grand Cayman, the seat of Government. However, the needs remain the very same and, by the geographical difference, I feel that often times these Islands are overlooked.

I would like to give notice to the Executive Council that I will be requesting in every which way possible to ensure that Cayman Brac and Little Cayman get immediate improvement to their air service. Those Islands are without jet service, at least Cayman Brac is, there is no good cause for that in my opinion except that it is not given, sometimes but not all times, and I would like to give notice that it is my intention to press in every way possible to see that the jet which our airline has, gives regular service to Cayman Brac.

To all of the other Members of this Legislative Assembly I offer my congratulations on their success at the polls. It is my intention to work with them in every way that I can, not bearing any personal differences which I might have had with any of the Members; and, whenever the Government of the day should bring motions or any law to this Legislative Assembly which I believe to be in the best interest of the Cayman Islands and its people, I shall support that. If it is a matter which I believe is not in the best interest they can be absolutely assured that I will not support it.

Mr. President, I am aware that while I have been elected by the people of Cayman Brac and Little Cayman that my loyalty also lies with all of these Islands and that I must take the broadest possible view in trying to achieve what is best. I intend to do that and to extend all the courtesies due to you, Sir and the staff of this Legislative Assembly.

I would like to thank my wife for her support during the past months and all of my family, and to say to the people of the Cayman Islands that I intend to be a representative and while representing my district of Cayman Brac and Little Cayman, I will be a representative who intends to look out for the welfare of the people and to represent all of these islands to best of my ability. I also want to state here that though we did not stand together in Cayman Brac, the people of Cayman Brac and Little Cayman can be assured that I will work in every which way I can toward helping that district with the other Member who has been chosen by the people, Capt. Mabry Kirkconnell.

I look forward to the next four years, Mr. President, working with yourself and the other Members who have been chosen by the people of these Islands to represent them in the next four years.

Thank you.

MR. PRESIDENT:

The Honourable Ezzard Miller.

HON. D. EZZARD MILLER:

Mr. President, I would like to take this opportunity to thank the people of North Side for their faith, support and encouragement in the recent Election which was a

very bitter one. All is forgiven. Let us work for the betterment of North Side and the Cayman Islands. I accept their faith in my ability with humility and honour.

I would also thank my fellow Members of these Chambers for their support and faith in electing me to Executive Council. The joy in that Election belongs to the people of North Side.

I pledge to uphold the principles and ideals for which I have stood and for which I believe have laid to the success of this country. I promise to conduct myself in this office with humility, courage, honesty, and integrity at all times.

I look forward to working with you, Sir, as President of this Assembly, and as Governor, and with fellow Members for the betterment of the Cayman Islands. Thank you Sir.

MR. PRESIDENT:

The Elected Member for East End.

MR. JOHN B. McLEAN:

Mr. President, first of all, I would like to take this opportunity to welcome all new Members to this Assembly, and secondly I wish to congratulate the newly formed Executive Council which will sit here for the next four years.

I would encourage all Members in this Legislative Assembly, now that the Elections are passed, for us to bury our hatchets and rub our heads together in an effort to continue the stability of these beautiful islands, the Cayman Islands.

I am aware, Sir, from my experience in this Legislative Assembly that at certain times you can lose your cool, but again I am urging each and everyone to try their endeavours to remain within the realms of our Standing Orders. We must remember that our country has come a long way, and in so doing, we must conduct ourselves the same. We must show in every way the respect that we have for the Chair and at all times we should try to be within the realms of the Standing Orders as I have mentioned.

Mr. President, I pledge my support to the newly formed Executive Council as has been stressed by other Members. I too may not be a hundred per cent satisfied, but I bow to the democratic process which we have passed through. I hope and trust that their support will be forthcoming, not for me or any other Member individually, but taken in consideration of each of our various districts.

I look forward to working with you for the next four years, and last but not least I take the opportunity to say special thanks to the people of my district who have continued to offer me their support and trust. This has been proven recently when once again I was returned unopposed. I am deeply touched by this, Sir, and regardless of what may be said by the minority in my district, it is quite evident that the majority was behind me because by now if it was not that way, I am sure somebody would have found the thousand dollars to come out and protest my seat.

Mr. President, as I have said, I am happy to be back here. I am pleased with our newly appointed Executive Council, and I pledge my support to them and all Members of this Legislative Assembly for the betterment of the Cayman Islands in general. Thank you.

MR. PRESIDENT:

The First Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, it is a great privilege and an honour to stand in this Honourable House of Representatives to say thanks to my beloved people of West Bay for electing me again, this time by an even greater majority. This tells me that at least sixty per cent of the voting public appreciated what I have done in the past four years. My doors were never closed, not even to those who would put me under, and they never will be. That is why I am here today, my people know it.

It is no easy job being a representative of the people. Sometimes one does good and is not appreciated, sometimes one makes a slip up and again by some one is not appreciated. But what a joy, Sir, when one knows he has done his best, when one knows he has worked hard, when one knows he has accomplished much and the people say, "Well done good and faithful servant"

As I look back over my first four years I realize quite a bit has been started. Programmes that must now be improved, and programmes that must now be implemented. The Labour Law, the Community College, the training of our people, immigration, the understudy scheme, continued support of CASA, and the strengthening of our rehabilitation services. We must now move to implement our Retirement Scheme, and the National Health Scheme to protect our people. These programmes must be an integral part of our agenda as we move into the 1990s. We must move the country forward, and our people must continue to share in the ongoing prosperity being experienced here today.

Today I welcome the newcomers here, and I urge those purporting to be opposition to join hands and hearts with us seven men to help build this country.

It behooves me to say at this time, while unfortunately this Honourable House is devoid of the presence of a lady Member after some twenty six years, thanks to the lady Member who was here before. What she said she would do, she did. She exhibited a Christian attitude, not just in words but by actions. At times I did not support her, but nevertheless I congratulate her for her Christian stand and her stand in the previous Election just passed. I think we can assure this country that the interest of women and children will not be placed in the background by this Government.

Each of us, Mr. President, owe it to ourselves and to this country to set an example of democratic decency and good will, particularly at this time when the whole world is gamely watching our movements. It is good to have opposition, sometimes I will play that part, that is what democracy is all about, but not opposition to the point of damaging the good name of the Cayman Islands. Cayman is not a banana republic where mob rule is the order of the day; where young people are incited to take knives around to political rallies or to demonstrate in regard to unsubstantiated allegations.

Cayman is not and has never been that kind of country. Cayman is a modern, striving, vibrant, healthy democracy and a prosperous country which needs the help of us all to make it work. It is the best little country in this hemisphere, with no taxation, crime at an increasing level but at a level which is being handled, balanced budgets, strong surpluses and reserves, a loan position that is being serviced properly, a sound economy enabling over-employment - not just full employment, and representatives that I believe, are alert to everyone's needs. We must all hold our heads high and be proud for this country took years to build by hard work - not talk, not slogans confused with solutions, not rhetoric but a sound handling and management of this country by good decent people, and I am happy to have played my part over the past four years.

I am happy to be given another opportunity to continue in the forward march in this country. Let us all remember then that it is the application of deep and sensible concentration upon practical issues in this House that will be the flaming torch to lighten the pathway of our young country. We must not forget that this great future to which we all look with hope can only be of our own making. I think, Mr. President, that the old Caymanian adage applies appropriately here today to us all, if we make our bed soft we must lie in it but also if we make it hard we must lie in it. Many times in making that bed, the way we make it is the way in which our children and grandchildren may have to lie in it. I trust that we will all bear that in mind. I will do my part to make it comfortable.

With regard to Members on Executive Council, I congratulate them and I expect them to do their utmost best for this country. I will be on this side of the House and I will be prodding them when they need to be prodded as I did before. I will support them in whatever good measures or good laws they bring for the betterment of the people of this country and I will oppose them when I think it needs constructive opposition.

Mr. President, I did not accept the nomination because I told my people throughout the campaign and in this House that I would not be seeking a seat on Executive Council. I did not go around thumping my chest saying that I wanted to be on Executive Council. I told my people that 1992 God's willing, would be McKeeva's time.

I am happy to hear Members say let us put the Elections behind us and I trust that they will do just that - put the Elections behind us. I am also happy to hear Members say that they will work with us because some Members have said that they were going to resign if we were elected. Thank God, that has now changed. I am happy that they are saying let us work together for the good of these Cayman Islands. As for me, Mr. President, it will always be the land of my birth, I pledge to thee, loyal and faithful true to thee.

measure we take for the betterment thereof.

God bless our country and God bless any

Thank you, Sir.

MR. PRESIDENT:

The Honourable Linford Pierson.

HON. LINFORD PIERSON:

Mr. President and Members of this Honourable House, I too am grateful for this opportunity to express my sincere thanks to my loyal supporters and people of George Town; for the support given to my colleagues and myself during the recent political campaign, and for given Mr. Norman Bodden and myself a resounding victory at the polls. I regret, however, that our other colleague, Mr. Kurt Tibbetts, was not successful, but I feel certain, Sir, that with his good showing at the polls that he will be a force to reckon with in 1992, God's willing.

On a personal note, I want to express my thanks to those Members who have elected me to Executive Council. I know that I will be taking on a heavy responsibility but with the help of God I feel that I will be able to effectively perform the duties and high responsibilities of my office in the best interest of the people of the Cayman Islands. While I appreciate that the election fever may still be in the air, I would nonetheless invite all Elected Members to join hands to work together in the best interest of this country, bearing in mind that continued stability is the key to our future.

Again I wish to thank my loyal supporters for electing me for a second term in this Honourable House, and Mr. President, I certainly look forward to working together with you and other Members of this House for the betterment of these Islands, not only Grand Cayman, Sir, but for Cayman Brac and Little Cayman also.

Thank you.

MR. PRESIDENT:

The Honourable Benson Ebanks.

HON. BENSON O. EBANKS:

Mr. President, I wish to take this opportunity to thank the people of West Bay for their continued confidence in returning me to this Legislative Assembly as their representative for yet another four years. I realize that I am now a representative of all the people of the Cayman Islands. I also wish to thank my colleagues in the Legislative Assembly for returning me to Executive Council.

I am humbly grateful to all for the opportunity to be of service to my country and to my people. I am keenly aware of the awesome responsibility which comes with this honour. With the help of Almighty God I will discharge my responsibilities without fear, favour or malice to anyone.

I wish at this time to particularly thank my wife and family for their support and understanding over the past nineteen or twenty three years of my political career, depending on which way you look at it. And, Mr. President, I also wish to take this opportunity to thank my committee that worked so diligently for the re-election of the First Elected Member for West Bay and former Member from West Bay, Mrs. Orrett. I also wish to place on record the gratitude of the people of West Bay for the services which Mrs. Orrett rendered over the past four years, and I wish personally to thank her for the help which she was to me. I look forward to continuing to work with her.

Before closing, Mr. President, I wish to echo the words of my colleague on my left in Executive Council when he said that this Government will never bow to mob rule. The quicker all concerned realize this the better off this country will be. Members of this Honourable House I hope, will realize that now they are not only representatives of the people but they are also leaders and they must assume that responsibility of leadership and lead our people in the right direction, not in directions that will be little and mar the good name of these Islands.

I wish also to reassure the people of Cayman Brac and Little Cayman that their needs will not be neglected by this Executive Council. Finally, Mr. President, I look forward to a fruitful four years when this administration will, in my opinion, move from strength to strength and record one of the most progressive years ever witnessed. I also look forward to working together with the Official Members, yourself Sir, and the staff of the Legislative Assembly and all Honourable Members in this House. I note all that was said about opposition and anybody who knows me knows quite well will know that I thrive on opposition. I have no problem with that. I have one request and that it be constructive opposition and not destructive.

Thank you very much.

MR. PRESIDENT:

It grows late. The Motion before the House is that the House do now adjourn, but before putting the Motion to the vote, I shall like to thank all Members for an auspicious start which you have given to the proceedings of the newer Assembly. It is my hope that over the next four years, as so many other Members have said, that we can conduct our business with dignity and effectively.

My position as President of the Assembly as well as being Governor is not always easy but I rely on the knowledge that this Chair can only function well with your assistance and that good order and the smooth conduct of business can only happen with your help and your agreement.

One of the strengths of democratic process is free speech, and inevitably during Elections hurtful and embarrassing things get said, but as several Members have already said, the strengths of the democratic process in any election is the opportunity for all of us to work together in this Assembly to take forward the business of the country. I hope whatever wounds have been caused during the recent campaign will heal quickly and not be reopened unnecessarily in this House. We all respect the radiation of the House and remember that the country comes before party or faction, and before individual's feelings and ambitions.

I would congratulate formally the Elected Members of Executive Council. They have been entrusted with great responsibilities, and important tasks lie ahead. Great projects lie ahead. Fortunately with prudent financial management Cayman can afford to take forward the necessary programmes. I pray that we shall cope well with the advantages as well as the problems

with prosperity; that we can go forward with confidence over the next four years.

Finally, from Mrs. Scott and myself may I offer all of you and all your families a very happy Christmas and a prosperous New Year.

Before I do put the Motion, there is a request from the press that there be a group photograph outside the House immediately after we adjourn. Perhaps you would oblige the members of the press.

stand adjourned sine die.

I shall now put the question that this House do

ADJOURNMENT

QUESTION PUT: AGREED.

AT 1:32 P.M. THE HOUSE STOOD ADJOURNED SINE DIE.