

**TUESDAY,
12 JUNE 1990**

10:35 A.M.

MR. PRESIDENT:

I will ask the Honourable First Official Member to say prayers.

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.

On today's Order Paper could I bring to the attention of Members that Item No. 2, the continuation of the Motion moved yesterday in regard to the presentation of the Report of the Standing Orders Committee, is not in its correct place and it would normally come after Bills as Item 3. But I believe the First Official Member has a statement.

SUSPENSION OF STANDING ORDER 14

HON. THOMAS C. JEFFERSON:

Mr. President, as the Motion moved late last evening appeared to be of great importance is it the wish of the House that we suspend the Standing Order which would normally put Bills before this Motion and let us take the Motion?

MR. PRESIDENT:

That appears to be generally agreed by the House. Do we need a Motion on that or can we take it as agreed? Right.

Elected Member for East End, please.

In that case we will turn then to questions. Number 73, the

QUESTIONS TO HONOURABLE MEMBERS

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 73: Can the Honourable Member say how many Caymanians have been dismissed from Cayman Airways since the 737 aircraft were acquired?

Answer: Since the 1st of September, 1989, nine Caymanians have been terminated as follows;

DEPARTMENT	NUMBER	REASON
Accounts	1	Post made redundant
	1	Absenteeism
In-flight	1	Absenteeism
Grand Cayman Airport	2	Poor Performance
Maintenance	1	Poor Performance
Cayman Reservations	2	Failure to complete training
	1	Post made redundant.

SUPPLEMENTARIES

MR. G. HAIG BODDEN: Mr. President, may I ask the Member, if any of these posts were connected or related to the cost cutting operation that had been announced in order to save money for the company?

HON. W. NORMAN BODDEN: Yes, Mr. President, one in accounts and one in the reservation department in Grand Cayman.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Mr. President, I would like to ask the Member if this is a comprehensive list of the dismissals and were there any from flight crews of Cayman Airways?

HON. W. NORMAN BODDEN: Mr. President, to the best of my knowledge this is a comprehensive list. It is the list that was supplied to me by the Management of Cayman Airways. The only flight crew on this list, is a cabin attendant.

MR. ROY BODDEN: Mr. President, I would like to ask if the Member is aware that some flight crew members had received termination notices, and if he is aware, were those notices retracted?

HON. W. NORMAN BODDEN: Mr. President, could I ask the Member if he is referring to cock-pit crew as opposed to cabin staff?

MR. ROY BODDEN: That is exactly so, Sir.

HON. W. NORMAN BODDEN: No, Mr. President, I am not aware of this.

MR. PRESIDENT: The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, could if the Member say whether, certain crew members were asked to resign?

HON. W. NORMAN BODDEN: Mr. President, none to the best of my knowledge, that were Caymanians. I think that there were some cockpit crew that were laid off, but I do not believe that they were Caymanians.

MR. PRESIDENT: The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, speaking of Caymanians here, I wonder if the Member could say whether these are true-born Caymanians or paper Caymanians, as the saying goes?

HON. W. NORMAN BODDEN: Mr. President, I do not have the exact break-down on the total number but, some of them were born Caymanians and some of them were status holders.

MR. JOHN B. McLEAN: Mr. President, speaking of crew, could the Member then say what happened to the crew of the Shorts?

HON. W. NORMAN BODDEN: To the best of my knowledge, Mr. President, some of the crew of the Shorts were non-Caymanians who have left the Island and I think one or two of them have been taken on to the 737 operation.

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

MR. TRUMAN M. BODDEN: Mr. President, could the Member say how many Caymanian staff have left, (whether through resignations or otherwise) Cayman Airways during this time?

HON. W. NORMAN BODDEN: No, Mr. President, I do not have that information. This information which I am reading now was given to me by the Management and that included what the company had record of.

MR. TRUMAN M. BODDEN: I was just drawing the distinction between resignations and dismissals because sometimes you can ask that they take the polite course of resigning. But if he does not have the figures, so be it, Sir.

MR. PRESIDENT: The question does specifically say dismissed, yes?
The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, I would like to ask if the Member can tell us, out of the numbers dismissed, apart from the two for redundancy, if any of these persons have been replaced by Caymanians?

HON. W. NORMAN BODDEN: Mr. President, I think about two or three of those who were dismissed because of absenteeism have been replaced.

MR. PRESIDENT: Question No. 74, please. The Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 74: Can the Honourable Member say how many charters have been flown by Cayman Airways since January 1990, and give the names of the countries to which they were chartered?

ANSWER: From 1st January to 31st May Cayman Airways Limited operated a total of 26 charter flights as follows:

Twenty-one flights to the United States of America.
Three flights to Honduras.
Two flights to Belize.

SUPPLEMENTARIES

MR. PRESIDENT: Supplementaries.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could give a comparison as to how this compares with the same period last year?

HON. W. NORMAN BODDEN: Yes, Mr. President, for the same period last year, January to May 1989, Cayman Airways operated two charter flights to San Andres and two charter flights to Belize.

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

MR. G. HAIG BODDEN: Mr. President, I am wondering if the Member can explain why the number of charter flights seem to be so low? What I am really saying is that even the 26 this year only averages a little over one flight per week and they seemed to be almost non-existent last year. Will the Member tell us why this lucrative market of charters is not being utilised?

HON. W. NORMAN BODDEN: Mr. President, the charter market has its ups and downs like any other business. And I think the charter market is being fully utilised. It must be appreciated that charters only account for 15 per cent of our overall business on an annual basis and I think to have 26 charters in such a short period of time is an indication that we, Cayman Airways, are doing very well in the charter business this year.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Mr. President, I would like to ask if the low volume of charters has anything to do with the reputation that Cayman Airways may have gotten for bungling some charters recently?

HON. W. NORMAN BODDEN: Absolutely not, Mr. President. Cayman Airways had one problem in April with one charter to Cancun and that was in April this year and I do not think that it accounts (for what the Member terms) as a low number of charters.

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

MR. TRUMAN M. BODDEN: Mr. President, I would like to ask the Member whether the 26 charters, that he mentioned, if this is high or low compared to two, or three, or four years ago when the charters seemed to have hit a peak?

HON. W. NORMAN BODDEN: I think what the Member is referring to, Mr. President, when he says three or four years ago. There was one year Cayman Airways had Club Med charters and that year, they did very well in charters. But I have to make the point that those charters were stopped by the United States' Government because they were being operated illegally.

MR. PRESIDENT: The next question please, No. 75. The Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 75: Can the Honourable Member say how freight has been brought in by Cayman Airways since January 1990?

ANSWER: From 1st January to 30th April, a total of 1,553,459 pounds were transported by B737-400 and 91,103 pounds by DC6. There were 8 DC6 flights which were shared with Jamaica Air freighters on their service from Miami to Kingston.

SUPPLEMENTARIES

MR. PRESIDENT: Supplementaries.

MR. JOHN B. McLEAN: A supplementary, Mr. President.
Could the Member say the reason for sharing the flights with Jamaica Air Freight?

HON. W. NORMAN BODDEN: Mr. President, that is an operation which Cayman Airways finds convenient and economical to share a portion of DC-6 operation out of Miami which lands here en route to Kingston. I believe that on occasion it is bulky cargo which cannot be accommodated in the baggage compartment of the 737-400.

MR. JOHN B. McLEAN: Could the Member say whether, this was caused because of the capacity of freight on the 737?

HON. W. NORMAN BODDEN: No, Mr. President, I really could not say that, but, I came prepared to give a comparison on the operation for January to April, 1989, when the Boeing 727 carried 1,459,808 pounds which was less than what the 737 has carried for the same period this year.

MR. JOHN B. McLEAN: Thank you for that answer. The question was coming.
Anyhow, Mr. President, I wonder if he could give us a comparison of the freight carried on the 727 versus the 737?

HON. W. NORMAN BODDEN: No, Mr. President, I do not have that exact figure here, but I will tell you what, it is admitted and always has been, that the 727 has more space in the baggage compartment to accommodate cargo and the 737 volumes out before it weighs out. This point has always been made and accepted by the company and myself.

MR. JOHN B. McLEAN: Mr. President, I will accept my question in a written form, please.

HON. W. NORMAN BODDEN: I did not offer it, Mr. President, but I can supply it.

MR. JOHN B. McLEAN: Mr. President, he could not give me the answer so I figure that was one way of taking him off the hook.

HON. W. NORMAN BODDEN: I was not on any hook, Mr. President. I was on my two big feet.
(LAUGHTER)

MR. PRESIDENT: The next question, No. 76, will, in fact, be put to the Member for Education and not the Member for Communications, Works and Agriculture. Number 76, the Third Elected Member for George Town, please.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION ENVIRONMENT RECREATION AND CULTURE

NO. 76: Would the Honourable Member say what is the cost to date and expected cost for completion of the renovations to the Government Museum and did the expenditure exceed the projected sums initially in the contract?

STANDING ORDER 23(5)

HON. BENSON O. EBANKS: Mr. President, under Standing Order 23(5), Sir, I seek the leave of the House to defer the answer to this question. The question was directed to the wrong Portfolio and we did not receive it until this morning, too late to have the answer printed.

QUESTION NO. 76 DEFERRED

MR. PRESIDENT: In that case No. 77, please. The Third Elected Member for George Town. It does not mean that the question will not be put, it will be on the next Order Paper.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND AGRICULTURE

NO. 77: Would the Honourable Member say what is the cost of repairs, maintenance and upgrading of the roads in the George Town electoral district, and how much time would be necessary to carry this out?

ANSWER: The cost of repairing, upgrading and maintenance of the jobs identified during the January 1990 George Town district visit was approximately \$3.7 million. Of these, two jobs account for approximately \$1.3 million of this amount.

SUPPLEMENTARIES

MR. PRESIDENT: Supplementaries.

MR. TRUMAN M. BODDEN: Mr. President, I would just like to direct the Honourable Member to the last part of my question. How much time is estimated to be necessary to carry it out?

HON. LINFORD A. PIERSON: Mr. President, one of the main delays in commencing with the work on George Town roads has been the delay caused by the Third Elected Member for George Town. Because, on four different occasions or more, my staff has contacted him to go around with us to prioritize the roads in George Town, but he has not yet found it possible to accompany us.

MR. TRUMAN M. BODDEN: Mr. President, I drove all through George Town with that Member and the other Member from George Town, I got out of the jeep, I had lunch with them and everything else in the world. I do not know what more he wants me to do now, to get things moving.

MR. PRESIDENT: This is developing into some sort of a debate. I think if I could put the point that the question was how long will it take? That is the question which has been put.

HON. LINFORD A. PIERSON: Mr. President, what the Member referred to was the good part, the lunch. We provided the lunch for him, but the important part was, prioritizing the roads. But, to answer the Member about how long it will take to complete these jobs, if only \$200,000.00 which he agreed on in Finance Committee is allocated, it would take approximately 25 years. If however, the allocation remains at the current level of \$985,000.00 it would take less than six years or one quarter of the 25 years to complete the works in George Town.

MR. TRUMAN M. BODDEN: To finish up the last part of this. I will remind the Member he invited me to lunch and I paid for it. (laughter)

What I am really asking, is once the money is appropriated for this, about how long does he think this would take to get done? Is it six months, a year? I would like some indication there because I know that there has been a listing of all of these and I believe Public Works has probably given him a time limit. That is what I am trying to find out.

HON. LINFORD A. PIERSON: Mr. President, since the Member has admitted that he was there

for the lunch, I would say it would take two - three years to complete the work. When we contact him again, that he will find time from his busy schedule to accompany us around town to prioritize the work.

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

MR. G. HAIG BODDEN: Mr. President, I just want to ask the Member for Communications and Works if he is in charge of the Portfolio, or has he delegated the roads to the Third Elected Member?

HON. LINFORD A. PIERSON: Mr. President, it appears to me that this Member is becoming the clown of this Assembly, but I would say that I am responsible for roads. There is no question about that but the principle that I have followed, unlike certain Governments, is that I involve all Members of this Legislative Assembly in my Portfolio.

In January of this year I visited every constituency, every district on this Island, and Cayman Brac and Little Cayman. I took the Members of those constituencies with me so that they could make their requests and prioritize their projects. That is the way we work in the Portfolio, Sir.

MR. PRESIDENT: I think we are getting beyond the scope of the original question. Please go back to it.

MR. G. HAIG BODDEN: Yes, Mr. President, because this question which the Member continuously evades is, how much time would be necessary for him to carry out the work which they agreed upon and we would like a direct answer? We do not want to hear about his entourage to Cayman Brac with his little steel helmet. We want to find out, when is he going to do the work? Is it going to take another three months or another six months?

MR. PRESIDENT: You have put your question and your question has, in fact, been answered about the time.

The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, to the Member. Would he please say whether repairing the roads in George Town is a priority to building large scale new roads?

HON. LINFORD A. PIERSON: Mr. President, proper allocations were made for road works in George Town. The fact that I have been onto the Member four times would indicate the priority I place on repairs, etcetera, being done in George Town. I wonder if he puts that same sort of priority on the roads?

MR. PRESIDENT: I think the First Elected Member for West Bay was next.

MR. W. McKEEVA BUSH: Mr. President, my question is, why did the Member not request for supplementary expenditure to fix these roads? We have had several Finance Committee meetings and the Member said that the jobs were identified in January. Surely, the Member had sufficient time between January and now to bring a request for expenditure to fix these roads?

HON. LINFORD A. PIERSON: Mr. President, during the January visits the cost of the repairing, upgrading and the construction of the road identified by us was approximately \$5 million, but the Finance Committee in November allocated, and I will read:

" \$200,000.00 for district works;
415,000.00 for the school access road; and
370,000.00 for the completion of the sidewalks on the West Bay Road;

which gives a total of \$985,000.00."

This is why, with the limited resources provided by Finance Committee it was necessary that we prioritize because we certainly cannot build \$5 million worth of roads out of \$200,000.00, Sir.

MR. W. McKEEVA BUSH: Mr. President, my supplementary has not been answered. I know what took place in Finance Committee. The question was that he visited the district in January of 1990 and these roads were found to be in need of repair, upgrading and maintenance. Why did the Member not come to Finance Committee with a request for the money if, he was as interested, as he is in the Jennett 'T'?

HON. LINFORD A. PIERSON: Mr. President, I trust that I do not have to shout to get across my point. The point is that in the 1990 Budget, which we considered in November, 1989, sufficient funds were in place for all roads. But the Member should know, that he was amongst those who got together and split it up amongst the various constituencies to also build private roads for their constituents.

MR. W. McKEEVA BUSH: Mr. President, the Member is misleading the House. The money

that was in the Budget when he presented the Budget to us in Finance Committee was for the Master Ground Transportation Plan (MGTP) and the Jennett 'T', not for district roads. The Member must answer the question. He wants to mislead the House and the public as well.

MR. PRESIDENT:
of Standing Orders.

We have gone past 11:00 A.M. We need to move a suspension

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

HON. THOMAS C. JEFFERSON:

Mr. President, in accordance with Standing Order 83, I move the suspension of Standing Order 23(7) and (8) in order for the remaining questions and supplementaries to be taken.

QUESTION PUT: AGREED.

STANDING ORDER 23(7)&(8) SUSPENDED TO ENABLE THE REMAINING QUESTIONS ON ORDER PAPER TO BE TAKEN.

MR. PRESIDENT:

The Honourable Member for Communications replying.

HON. LINFORD A. PIERSON:

Mr. President, I do not intend to go into a long discourse on this, but the Hansard of this Assembly will show what happened in Finance Committee because the Report was made. And the same Hansard will also show that \$430,000.00 under Head 41-006 was allocated to District Works. I have it right here, Sir. If there is any doubt I can pass it around.

MR. W. McKEEVA BUSH:

Mr. President, the Member has not answered my question. We all know what was in there. The amount was there. It should be still there. The Member should answer why has he not put the money in the supplementary Finance Committee vote? They have been coming every other Sunday to Finance Committee.

HON. LINFORD A. PIERSON:

Mr. President, the Member is aware that under the present system it makes very little sense to take anything to Finance Committee unless they approve it.

MR. W. McKEEVA BUSH:
Finance Committee?

Mr. President, has the Member brought these requests to

HON. LINFORD A. PIERSON:
it.

The answer, Sir, is no because I know they would not approve

MR. W. McKEEVA BUSH:

Lame excuse, Mr. President, but thanks.

MR. PRESIDENT:
eye first.

I think the Third Elected Member for George Town caught my

MR. TRUMAN M. BODDEN:

Mr. President, to the Member.

was prepared and submitted to me?

Would he please tell the House when this list of repairs for roads

HON. LINFORD A. PIERSON:
Third Elected Member for George Town in early March.

Mr. President, I am informed that the list was submitted to the

MR. TRUMAN M. BODDEN:
year, when the Budget came?

Is that March of this year and is that later than November of last

HON. LINFORD A. PIERSON:
November of 1989. I am speaking of March, a subsequent event, so it could hardly have been March of last year. But it is March of this year, Mr. President.

Mr. President, our Finance Committee met on the Budget in

MR. TRUMAN M. BODDEN:

So is it not a fact, through you, Mr. President, that you did not know what the extent of the repairs were when you went to Finance Committee in November and December of last year?

HON. LINFORD A. PIERSON:

Mr. President, the purpose of the Budget is a preparation of the Estimates. This is the reason why I took all Members around to the various districts to do a priority list, so that we could then pin it down closer and I have said that I have contacted the Member on more than four occasions so that we could prepare priority lists, but he has not yet found it possible to come to that meeting.

- MR. PRESIDENT:** We seem to have come full circle on this question. The Second Elected Member for Bodden Town.
- MR. G. HAIG BODDEN:** Mr. President, I want to ask the Member, how much of the \$900,000.00 allocated has been spent up to this time?
- HON. LINFORD A. PIERSON:** I am informed, Mr. President, that the amount is approximately \$450,000.00.
- MR. PRESIDENT:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** Thank you, Mr. President.
I would like to ask the Honourable Member, if there is a regular schedule for the repairing, upgrading and maintenance of roads, and if so, why is it that such a seemingly inordinate sum of money has to be expended at this one time now for road repair work in George Town?
- MR. PRESIDENT:** I think that is rather a long way beyond the original question which was specific to George Town, but if the Member wishes to answer, would he do so?
- HON. LINFORD A. PIERSON:** It is a roundabout question, Mr. President, if he could repeat it, I would be happy, Sir.
- MR. ROY BODDEN:** What I am asking, Sir, is there a regular schedule for road repair works for the various districts, and if so, why is it that in the district of George Town, such a seemingly inordinate sum of money has to be expended for repairs now?
- HON. LINFORD A. PIERSON:** Mr. President, to answer the first part of the supplementary, yes, there is a regular schedule. The second part of the question, why is there a seemingly inordinate amount of money, as I can recall his question, I think I answered that previously, this is what was provided in the Estimates.
- MR. PRESIDENT:** Subject to the views of the House, I do think that this question has had quite a number of supplementaries. The last one from the Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** This would a last one, Sir, because there has been a statement that on four occasions I was contacted and I have been trying to think of this. I think in fairness I will finish with that. The last time, as I recall, it was cancelled by Public Works because the Members were not available. The time before that, I
- MR. PRESIDENT:** Would you mind phrasing it as a question, for example does the Member agree or confirm?
- MR. TRUMAN M. BODDEN:** Does the Member agree and is it not a fact, that the last time I was requested to meet, and by the way (have I not met with the Director of Public Works several times up until three or four days ago?) But the time with the Members, is it not a fact that the last time was cancelled because the Members were not available? Another time it conflicted with, I believe, the Protection Law Committee and I had mentioned to the Civil Servant who called that I would attempt to raise it with the Member there, and as far as I can remember he did not come to the meeting. Another time it was inconvenient. I cannot remember what the fourth one was, Sir.
- HON. LINFORD A. PIERSON:** Mr. President, again it is difficult to fathom what the Member is trying to ask me, but in a short answer I do not recall, and my staff in the Portfolio do not recall the sequence of events as just related by you.
- MR. PRESIDENT:** I think perhaps you might agree that memories can differ.
Shall we go then to question No. 78, the Third Elected Member for George Town.
- THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES**
- NO. 78:** Would the Honourable Member say what contracts, if any, under the Portfolio of Health and Social Services, have been awarded to consultants and to whom and for how much since the end of the last sitting of the Legislative Assembly?
- ANSWER:** The Portfolio of Health has awarded no contracts to consultants since the last sitting of the Legislative Assembly which ended on 9th March, 1990.
- MR. PRESIDENT:** Any supplementaries?

please. Question No. 79 then, the First Elected Member for West Bay,

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 79: Can the Honourable Member say:

- (a) how many applications for loans were received by the Housing Development Corporation since June, 1990; and
- (b) How many have been granted to date?

ANSWER: (a) The total number of applications received by the Housing Development Corporation during the period 1st June, 1989, to 8th June, 1990, is 28.

(b) For the period 1st June, 1989, to 8th June, 1990, 16 loans were approved.

MR. PRESIDENT: There appear to be no supplementaries.
Number 80, then please, the First Elected Member for West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND AGRICULTURE

NO. 80: Having regard to the detection of the Mediterranean Fruit Fly in fruit in the United States of America, can the Honourable Member say whether any damage could result to the people or the crops in the Cayman Islands; and whether Government is taking precautions?

ANSWER: The Government has information that a Mediterranean Fruit Fly ALERT has been placed in a small area north of Miami airport in the residential districts of Miami Springs, Virginia Gardens and Hialeah.

On 16th April, 1990, detection of the Mediterranean Fruit Fly was made in the residential areas mentioned above, and a quarantine zone with a four and a half mile radius from the point of detection was established. Further, aerial sprayings have been conducted over the areas concerned and a total of eight would have been completed by 17th June, 1990.

There are no commercial orchards in the vicinity of the quarantined area. Since a substantial quantity of fruit is imported into the Cayman Islands from Florida, the Government would naturally have concerns about possible effects here in these Islands. However, the focus of the fly detection mentioned is a small one and it occurs in an area where fruits for commercial growing is not done. The measures taken by the United States authorities have been done out of an abundance of caution and therefore indicate that there is no threat to the Cayman Islands by this pest at this time.

The Cayman Islands Department of Agriculture is on the mailing list of the Food and Agriculture Organisation of the United Nations Plant Protection Bulletin as well as the Regional Plant Protection Organisation (Caraphin) which list includes our telephone, telex, cable and fax numbers. Their agencies provide reports on pest outbreaks and distribution in member countries.

If pest outbreaks (like the Mediterranean Fruit Fly) occur in neighbouring countries and should threaten the Cayman Islands, the Government would immediately institute, (through its plant quarantine services) the necessary ban on importing fruit from those countries. Furthermore, if it becomes necessary the Government would move to put in place the appropriate insect traps as sentinels, in order to monitor whether or not the fly had been introduced into the Cayman Islands.

The Mediterranean Fruit Fly causes damage to a wide range of tropical fruit crops. Should there be an introduction of the fly into these Islands most of the fruits grown here would be in jeopardy. The Department is continually seeking ways and means to obtain the cooperation of the larger wholesale importers of fruit and vegetables.

It is opportune at this time to emphasise the need for importers to provide at all times proper plant Health Certificates which should accompany shipments to the Cayman Islands.

SUPPLEMENTARIES

MR. PRESIDENT: No supplementaries it appears. The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, I know this is a similar sort of problem, but maybe a bit distant. I wanted to ask the Member whether precautions were being taken to ensure that snakes were not coming in perhaps in sod or imported items of that sort?

HON. LINFORD A. PIERSON: Mr. President, I am informed that all shipments into the Islands are disinfected and fumigated to guard against such a situation occurring.

MR. PRESIDENT: Next question, No. 81, please. The First Elected Member for West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND AGRICULTURE

NO. 81: Can the Honourable Member say whether he intends to put funds in the 1991 Estimates to purchase a parcel of beach property in West Bay which I identified as being suitable for a Public Beach, or does he intend to purchase it this year?

ANSWER: The Lands Officer is in the process of carrying out a valuation report in respect of the parcel which the Member for West Bay has proposed for purchase. Once approval is given by Executive Council for the purchase, it is intended to seek supplementary funds from Finance Committee to acquire the parcel. Should approval not be forthcoming in Finance Committee then budgetary provision will be sought in the 1991 Estimates; based on the Lands Purchase Committee's recommendations.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.
The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, will the Member tell us how long it will take to do the Valuation Report?

HON. LINFORD A. PIERSON: Mr. President, I am informed that the Valuation Report should be completed by the end of this week.

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

MR. JOHN D. JEFFERSON, JR.: Thank you, Mr. President.
Knowing how quickly beach property moves in Grand Cayman, I wonder if the Member could indicate whether or not the party has been contacted indicating that the Government has a desire to buy the piece of property?

HON. LINFORD A. PIERSON: Mr. President, the Government has not yet taken a decision on whether or not this piece of property will be purchased, but the owners have, in fact, been contacted initially in this matter.

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

MR. W. McKEEVA BUSH: Mr. President, did he say, for the sake of clarity, that you have not made a decision to buy it?

HON. LINFORD A. PIERSON: The answer to that supplementary question is, yes, we are still awaiting the valuation being carried out by the Lands Officer, and as I mentioned earlier in the substantive answer to the question, that any recommendations in regard to the purchase of the property will be based on the Land Purchase Committee's recommendations.

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

MR. JOHN D. JEFFERSON, JR.: I wonder if the Member would advise the House as to how much the owner wants for this property?

HON. LINFORD A. PIERSON: Mr. President, it is my understanding that the owner is asking \$265,000.00 for this piece of property which is 112 feet on the beach and is very narrow, but I understand that it is suitable for the purpose for which it was requested.

MR. PRESIDENT: No. 82, please. The Second Elected Member for the Cayman Brac and Little Cayman.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND AGRICULTURE

NO. 82: Would the Honourable Member say what is being done to fix and maintain the air-conditioning unit in the Legislative Assembly to ensure its proper operation?

ANSWER: The air-conditioning system at the Legislative Assembly building has suffered damage and been rendered inoperable on two occasions during the past six months due to voltage fluctuations.

The first occasion was in December 1989 during the severe Northwester. The second occasion was in May 1990 when Caribbean Utilities Co. Ltd. experienced generator problems and alternated its supply to various parts of the Island.

Consideration is currently being given to installing appropriate protective devices. While these would normally be considered expensive, the important usage of the building and its relatively poor capability for natural ventilation are factors which will mitigate in favour of their installation.

SUPPLEMENTARIES

MR. PRESIDENT: Supplementaries.

MR. GILBERT A. McLEAN: Mr. President, would the Member say if the installation of what is termed appropriate protective devices, would these then hinder the conditions which knocked the power out of the air-conditioning, and how lasting are these?

HON. LINFORD A. PIERSON: Mr. President, the protective devices being referred to would serve as a safeguard against major fluctuation in power to the building.

MR. GILBERT A. McLEAN: Mr. President, would the Member say if anything is being done to improve the ventilation system for the air-conditioning or otherwise, in the building?

HON. LINFORD A. PIERSON: Mr. President, would the Member be so kind as to explain what he means by the ventilation system for the air conditioning? Does he mean for natural air coming into the building or for the air-conditioning? I am not quite clear on that point.

MR. GILBERT A. McLEAN: Mr. President, I was wondering if something could be done in both instances to assist?

HON. LINFORD A. PIERSON: Mr. President, I am informed that there is very little that can be done in the redesigning of this building to enhance the natural ventilation, but once the system is operable and the UPS system or whatever protective device is used, is in order, then there should not be a problem. We are not experiencing any here in the building now, and once this is running properly there should not be a problem.

But to answer the Member directly again, there is very little that can be done to enhance the natural ventilation in the building because of the design of the building.

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

MR. TRUMAN M. BODDEN: Mr. President, could the Member say what steps are being taken to recover the cost of the damage caused by the fluctuation of electricity by Caribbean Utilities Co. Ltd.? Secondly, what is the position in relation to fluctuations of this sort under Government's agreement?

HON. LINFORD A. PIERSON: Mr. President, the answer to the first part of the question is that no attempt was made to recover the cost incurred in late 1989 as the severe weather conditions were obviously beyond the company's control. However, real costs recently incurred will be pursued shortly, when they are fully determined.

The Portfolio is now investigating regulations for consumer protection regarding protective measures.

MR. PRESIDENT: The next question please, No. 83, the Second Elected Member

for Cayman Brac and Little Cayman.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND AGRICULTURE

NO. 83: Would the Honourable Member say who sets the priorities for capital projects in Cayman Brac and which are priority at this time?

ANSWER: Priorities for capital projects in Cayman Brac are set by the District Administration in conjunction with the Honourable Administrative Secretary and in consultation with the representatives for Cayman Brac and Little Cayman, but are subject to the availability of manpower and equipment.

The projects in Cayman Brac which are now listed as priorities are:

- (a) Roads:
Phase II of reconstructing Ashton Reid Drive.
- (b) Buildings:
 - (i) The industrial arts block for Cayman Brac High School;
 - (ii) The addition to the District Administration Building.
- (c) Playing Fields:
Improvements to Cayman Brac High School playing field.
- (d) Sea Walls:
Construction of a sea wall for Spott Bay cemetery.

SUPPLEMENTARIES

MR. PRESIDENT: Supplementaries.

MR. GILBERT A. McLEAN: Supplementary, Mr. President.
Could the Member say at what time the priorities are set for these projects and at what time are the Elected Representatives for Cayman Brac and Little Cayman consulted in this process?

HON. LINFORD A. PIERSON: Mr. President, as stated in the substantive answer to the question, these priorities are set by the District Administration in conjunction with the Honourable Administrative Secretary and my Portfolio is not involved in that process, so I am unable to answer that question. I would be pleased to defer to the Honourable Administrative Secretary if he has that answer, Sir.

HON. J. LEMUEL HURLSTON: Mr. President, the prioritizing of projects in District Administration are done immediately after the Budget has been agreed and the Appropriation Bill has been passed. Regular reviews are conducted, at least, on a quarterly basis during the official visits there by the Administrative Secretary.

MR. GILBERT A. McLEAN: Mr. President, would the Member say if it would be accurate that the priorities are basically determined by the District Commissioner?

MR. PRESIDENT: I think that is a matter for the Administrative Secretary, if he is able to reply.

HON. J. LEMUEL HURLSTON: Mr. President, that is not correct. District Administration functions like any department in Grand Cayman. It submits proposals and acts according to the projects that have been approved and prioritized in the consultative process.

MR. GILBERT A. McLEAN: Would the Member say if there are any policies in place to allow District Administration to function in terms of capital projects under the Portfolio of Communications and Works which can give it the necessary technical supervision?

HON. J. LEMUEL HURLSTON: Mr. President, that is precisely the case at the moment. Technical supervision is available to all departments in District Administration from their counterparts on Grand Cayman.

MR. GILBERT A. McLEAN: Mr. President, I think the two answers have been contradictory.

One from the Honourable Member for Communications and the other from the Official Member, in that the Member for Communications indicated that his Portfolio was not really aware of the prioritising and how it is done or has hands on information on it. What I am trying to determine is, if the Member has in place any policies by which the Public Works here or his Portfolio on Capital Projects keep a direct supervisory role in this particular area?

HON. J. LEMUEL HURLSTON: Mr. President, perhaps I can help to clarify. The Honourable Member for Communications and Works was explaining that the Portfolio has no direct role in the establishing of the priorities. He did not say that technical advice and supervision was not available to District Administration by the Technical Departments in Grand Cayman. Technical supervision is available by the Public Works, Lands and Survey and other departments.

MR. GILBERT A. McLEAN: Would the Member say if any such advice has been requested and has any been given?

HON. J. LEMUEL HURLSTON: Yes, Sir, it has and it has been freely given.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Mr. President.
I would like to ask the Honourable Member what role, if any, does the representatives have in the priority of these projects?

HON. J. LEMUEL HURLSTON: Mr. President, the Elected Representatives are consulted both during the preparation stage, the approval stage and the implementation stage of all major capital projects in District Administration.

MR. ROY BODDEN: Mr. President through you, are they consulted prior to the preparation, implementation and development of these projects, Sir?

HON. J. LEMUEL HURLSTON: Mr. President, I can only vouch and confirm what has happened during the time that I have assumed responsibility for that Portfolio and it has happened during the two Budgets that have been prepared during that time.

MR. ROY BODDEN: I do not quite get it, Sir. Is the Honourable Member saying that they have been consulted prior to that?

HON. J. LEMUEL HURLSTON: That is correct, Sir. That is what I am saying.

MR. GILBERT A. McLEAN: Mr. President, as priorities change and conditions cause that to happen, could the Member say if any thought is given, as a priority right now, to at least dumping some fill in the large holes along the South Side Road in Cayman Brac?

HON. J. LEMUEL HURLSTON: Mr. President, that sounds to me like a fairly routine maintenance matter. If it needs priority, it can readily be given. There should be no difficulty with it.

MR. PRESIDENT: The last question on today's Order Paper. The Second Elected Member for Cayman Brac and Little Cayman No. 84, please.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND AGRICULTURE

NO. 84: Would the Honourable Member say what progress is being made with the construction of a road from the Cayman Brac Light and Power Plant in Little Cayman to the north side of the Island?

ANSWER: Construction on the road from the Cayman Brac Light and Power plant in Little Cayman to the north side of the Island commenced on 1st June, 1990, and approximately 150 feet of road has been built.

SUPPLEMENTARIES

MR. PRESIDENT: Supplementaries.

MR. GILBERT A. McLEAN: Would the Member say if any difficulties have been encountered with manpower or equipment in the construction of this road?

HON. LINFORD A. PIERSON: Yes, Mr. President, we have had some difficulties with the equipment.

MR. GILBERT A. McLEAN:
the equipment may have been?

Mr. President, could the Member say what the difficulties with

HON. LINFORD A. PIERSON:
the road that is being built, but efforts are being made to pull it out, Sir.

Mr. President, our Cat 235 excavator is stuck in the swamp in

MR. GILBERT A. McLEAN:
is in progress, whether other alternate action can be taken to continue that road which is a priority and very important?

Mr. President, could the Member say while the rescue operation

HON. LINFORD A. PIERSON:
with the available equipment in Little Cayman capable of building the road. But I can assure the Member that all efforts are being made through Grand Cayman to try to make the equipment as safe as possible and have it back in operation as soon as possible, Sir.

Mr. President, my information is that there is no local company

MR. PRESIDENT:

Proceedings are suspended for 15 minutes.

AT 11:48 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 12:14 P.M.

MR. PRESIDENT:

Proceedings of the House are resumed.

Now as agreed earlier in the morning, instead of going to Bills Second Reading, the House is to continue the debate on the Motion put by the Honourable Member for Education following the presentation of the Report of the Standing Orders Committee. Towards the end of the sitting yesterday, some points of Order and Procedure were raised and, I think, as a result, Members now have in front of them an amended Motion which does not alter the sense or substantive intention of the Motion, and appears, I think, to deal with the point in the last few words of the original Motion.

I do not know whether Members would like a few minutes to consider this or I had noticed from the First Elected Member for West Bay that he wished to speak on this point. The First Elected Member for West Bay ... or ...

PROCEDURAL DISCUSSION ENSUED

MR. G. HAIG BODDEN:
Members can study it. It is unusual for something like this to be thrown at us.

Mr. President, this is so important I think we should adjourn so

MR. PRESIDENT:

Well, if I may say, it is not unusual and it is entirely in accordance with Standing Orders, but as I said if you wish for time, indeed. Can you give me any indication of how long you would like?

MR. G. HAIG BODDEN:

Probably a half hour.

MR. W. McKEEVA BUSH:

Mr. President, I would agree with that. But you know, I would like to say this, that this House is becoming a farce with the many amendments that the Member for Education has moved and is taking this thing backwards and forwards, and it has been defeated. He knew, I guess, about the points we were going to raise. He can come back with some foolishness here again. When are we going to stop this thing and make this House a democratic House?

MR. PRESIDENT:

I am not quite sure what point you are making, but the things that are being done are in accordance with Standing Orders and I would point out that, for example, Standing Orders have been suspended by the will of both sides of the House on occasion, and I think that the House can preserve its own dignity quite well in that regard.

on your Motion?

There is a suggestion that we suspend. Do you wish to speak

HON. BENSON O. EBANKS:

No, I would like to comment on the length of time of the suspension that was proposed. Since we would be rising at a quarter to one in any event, if we are going to suspend for half of an hour, it seems to me that we should suspend earlier for the morning and come back early after lunch.

But, before I sit down, I would just like to comment on what the First Elected Member for West Bay had to say. Any amendment which I have placed before this House is totally in conformity with Standing Orders, and certainly, it might not make sense to him but it is not nonsense. I am sorry if he is unable to understand what is going on. That is not my problem. It is his.

MR. W. McKEEVA BUSH:

Mr. President, I quite understand what is going on. It seems to

me, that the Member for Education, has been caught up because he placed the Motion that should have been coming and now he has found himself in a problem with it and is trying to get out of that problem because he knew that we had a serious objection on the floor of the House to come. So, as the Member for Education, if there is any nonsense, it is in the Educational Policy which he directs.

HON. BENSON O. EBANKS: Mr. President, I was not the Member when he went to school, Sir.

MR. W. McKEEVA BUSH: No, that is true...

HON. BENSON O. EBANKS: And, Mr. President...

MR. W. McKEEVA BUSH: I would be as good as I am...

MR. PRESIDENT: Please, please, interruptions are in order but on your feet.

HON. BENSON O. EBANKS: Mr. President, I did not have any notice of any objection coming from them other than I think it was the Second Elected Member for Bodden Town, when I was passing this morning, said he intended to raise hell. I do not know what he meant, but I want to assure you, Mr. President, that this amendment is made in good faith. It is in accordance with Standing Orders and I have no doubt that it is quite legal.

MR. PRESIDENT: The Chair well understands that there are strong feelings about this Motion and all the matters that are connected with it. I think what is before the House is a suggestion that we do suspend early for lunch but that we do not over extend the lunch break. It is now about twenty past, should we suspend until, say, 2:00 P.M.. Would that suit you? It appears to. Proceedings are suspended until 2:00 P.M.

AT 12:20 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:05 P.M.

MR. PRESIDENT: Proceedings of the House are resumed. The House was at the point where the Honourable Member for Education had tabled an amended Motion following his previous Motion moved yesterday. And I think I had pointed out that in accordance with Standing Orders, it is possible for a Member who has made a Motion to amend it in this way, and I quote from Standing Order 24(7):

"Provided that the amendment does not, in the opinion of the Presiding Officer, materially alter the scope of or any principle embodied in the original Motion."

And whatever further may be said, I think, that is the situation, that it does not alter the original Motion in any substantive sense.

when we did suspend.

Now I think that there was a point of procedure being taken

The First Elected Member for West Bay.

PROCEDURAL DISCUSSIONS ENSUED

MR. W. McKEEVA BUSH: Thank you, Mr. President. Am I to understand then that we are at a point of procedure and not a point of debate on the Motion?

MR. PRESIDENT: I understood you when you spoke to me earlier, that it was a procedural thing you wished to talk about.

MR. W. McKEEVA BUSH: Thank you. Procedure and Point of Order, Sir. Motion No.3/90 was agreed by majority to go to the Standing Orders Committee. In Standing Orders Committee the status quo remained, just to get focused on what took place. The Motion before the House is asking that the Report from the Standing Orders Committee be rejected, it being consequent that the Standing Orders be amended according to the will of the House, as referred in that Motion. The will of the House, in our opinion, was not expressed to the point of making the Motion into effect. The will of the House was expressed to the extent that the Motion would go to the Standing Orders Committee and that is so, because only the Standing Orders Committee can deal with amendments to Standing Orders. The Motion could have said, this matter not be dealt with in open House and have effect. It did not do this. It sent it to the

Standing Orders Committee. And to substantiate what I am raising is further clarification by the Hansard. Your point to the House, and I will read for the sake of clarity:

"Government Motion No.3/90 proposes an amendment to Standing Orders. That is in the paper in front of Members, the first page of two pages. That is dealt with under Standing Orders 84 and 84(3). Once such a Motion has been moved, the question is put forthwith, whether it be referred (and that is the key word) to Standing Orders Committee. In other words, there is no debate on that question. So that is the first part of this Motion.

So in the procedure when we come to it the Chair will put that question first, separately. That the proposal to amend the Standing Orders be referred to Standing Orders Committee and the question will then be put straight away."

And again the President went on to say:

"What I propose is that the House should take the first part of Government Motion 3/90, which is the proposal to remit to Standing Orders Committee amendments to Standing Order 73 and the replacement by the draft in the Motion."

And he goes on to say:

"If that is in the affirmative, then the Standing Orders Committee would have its guidance. After that, assuming all of that is in the affirmative, then the House would stand adjourned while the Standing Orders Committee gets on with its business."

said, Mr. G. Haig Bodden, the Second Member from Bodden Town,

"Mr. President, just one question for clarification. If the first Motion fails, would the rest of the resolution fall away?"

Mr. President, then said,

"Yes, because there is then nothing to be referred to the Standing Orders Committee."

What we are saying is that the will of the House was expressed to the point of making the Motion go to Standing Orders Committee, not that the will of the House was expressed to the point of making the Motion into full effect at that time.

And I would point out further, that the will of the House could have been expressed on the Motion and the only way the will of the House could have been expressed on the Motion was for suspension of the Standing Orders which sends matters to the Standing Orders Committee. I must point out that that did not take place. That order did not take place because then the will of the House was not that the Motion be put into effect immediately, but that it stands referred to the Standing Order Committee.

We submit that the Motion before the House cannot be put, and the Motion can only deal with the rejection of the Report of the Standing Order Committee. No Standing Orders were suspended, therefore, we were not dealing with it in open House. The matter was referred to the Standing Orders Committee where it was defeated or the status quo remained.

MR. PRESIDENT: I am thankful to the Member for that exposition. This is, indeed, not an easy procedural matter because, as in some other cases, sorry, you were trying to catch my eye?

MR. TRUMAN M. BODDEN: Yes, Sir, I am wondering if I may have an opportunity to mention one thing on that point before you rule?

MR. PRESIDENT: I was not about to rule. I was going to deal with this, but perhaps it would be better if you do continue and then expound the whole thing. Fine.

MR. TRUMAN M. BODDEN: Yes, Sir. The point that was taken is substantially one that, as you appreciate was taken last night. One of the things I have noted subsequent to that, is that in the Standing Order 84(1), it seems that the Motion we had before us, No. 3/90, to properly fall under that it says:

"Unless the Presiding Office otherwise directs, not less than twelve days notice of a motion to amend the Standing Order shall be given, and the notice shall be accompanied by a draft of the proposed amendments."

Here, it seems to me, that these amendments would be draft amendments which would go to the Standing Orders Committee, which would be accepted or rejected. If it is, in fact, the position that what we did at the beginning

meant that that whole democratic procedure of going into the Committee and amending the Standing Orders in accordance with the Standing Orders of the House would be totally nullified on this Motion. I appreciate another Motion could deal with it, then the whole section which states of reporting back to the House on those draft proposed amendments which, as we know, did not succeed, it would totally nullify that whole procedure.

So the Motion we passed at the beginning, if this Motion here were to pass and stand in the form it is, would really have meant that once we pass a Motion in this House to deal with draft amendments to be sent to the Standing Orders Select Committee, then there would be very little use of going there, if the whole procedure would have been nullified because of the first resolution. I would just like to add that to it, Sir.

MR. G. HAIG BODDEN:

Mr. President, if I may add a little to this. One part of the Minutes, which had not been read by my illustrious friend, is the part in which you recapitulated on your remarks. This puts it more clearly than anything else, I believe. You said:

"So, if I may recap, first is the question put directly on the question of reference to Standing Orders Committee. If that is decided in the affirmative, then the House will proceed to examine the two propositions on adjournment and that the Standing Orders Committee do conduct its business expeditiously and then report."

So all the will of the House could have been, is what you summarized and that is, that this question, this Resolution, was sent to the Standing Orders Committee for them to amend it or do otherwise. There is no other way it could have been handled because there is no vehicle for amending Standing Orders except the Standing Orders Committee, unless we or the Government had waived the Standing Order requiring that Standing Orders be amended only by the Standing Order Committee and that procedure did not take place.

Another section that was not read by my friend is this statement which sums it up. The sentence is:

"That will be put to the House directly, without debate under Standing Order 84(3)."

What they are referring to is, as you said:

"What I propose is that the House should take first the part of the Government Motion 3/90, which is the proposal to remit to Standing Orders Committee amendments to Standing Order 73 and the replacement by the draft in the Motion."

The will of the House yesterday, (before these matters went to the Committee), was simply that the Resolution requesting the amendment be sent to the Committee. This was approved. We did not agree, but a majority of eight approved and it went to the Committee. The Motion cannot now, (in its effort to reject), change the substance of what the will of the House was yesterday.

It would appear to me, whether we like it or not, this matter has been closed and the Standing Orders will remain the same despite the fact whether we reject or adopt the Report that has come back to the House. If we adopt the Report, the status quo remains. If we reject the Report nothing has changed because it was not the will of the House to change it. It was the will of the House to refer it.

MR. PRESIDENT:

Thank you.

I think that one of the crucial points here, is the relationship of the House to a Committee. I will come to the other points in a minute. I think it is an absolutely crucial point that the House must be superior to the Committee it creates, and that the House may, (by due Resolution properly put and passed) do whatever it wishes with regard to any Committee proceedings. To put this another way, whatever any Committee does, and I do not only mean the Standing Orders Committee here, when that Committee reports to the House the House may decide whatever it wishes in that regard. This is fundamental because the House creates Committees. It lays down their procedures in Standing Orders. It lays down how it will deal with the product of Committees. This is a fundamental point.

The second thing is it might be helpful to look at how Standing Orders get amended and try and look through that process and see whether it has been followed and is being followed.

The first thing is that a Motion is put to the House that Standing Orders be amended in a given way. As one Member pointed out, a draft text of the proposed amendment has to be supplied so that the House knows what it is debating or rather what it will vote on, to refer or not to refer to the Standing Orders Committee.

I will not, for the moment, look at the particular Motion. I am considering how Standing Orders get amended. As I was saying a few moments ago, our Standing Orders are not perfect and we quite regularly find gaps or inconsistencies in them. What the Chair has to do, (I think, in the circumstances) is try to see what was intended, and how the procedures may be carried out. If they are not satisfactory, they come to a halt.

Standing Orders, it seems to me, get amended in the following way. A motion is put to the House that they be amended according to a text supplied. Standing Order 84(3) quite clearly says:

...The vote on that Motion decides whether or not they are referred to the Standing Orders Committee...

That is procedural, and quite clear. But even at that stage if the vote on the motion has been that the amendments proposed be referred to the Standing Committee, they are at that point, the view of the House. I do not see how else you can find that there is a view of the House on the question, but they go to Standing Orders Committee without debate at that point. The Standing Orders Committee consider them and it may reject, propose amendments, modify, whatever it chooses in its Report.

The Report comes back to the House. The House must then deal with it. Now, it seems to me, as I have said before, the House must be paramount. I cannot see the proposition that a Committee can overrule the House. That does not seem to me to make sense for good procedural arrangement. The Report of the Committee is then reported to the House and then, as the Standing Order says under the Reports procedure any Member may move a Motion in regard to it, except reject, modify. That is then debated and it either succeeds or fails. But at the end of the day, the House has a view on what it wishes to do with Standing Orders. That, I think, is the point where the original Motion comes back into play. If I may just continue. I am well aware that there can be two views on this, but the original Motion does say:

"BE IT RESOLVED that Standing Orders be amended..."

Now that was voted on by the House. The procedure is that it then goes to Committee. There is no question about that. It has gone to Committee and that is quite proper. That was the original Resolution of the House and I quote from it:

"BE IT THEREFORE RESOLVED that Standing Orders be amended by (1), (2) and so on...."

Whether or not any subsequent Motion on the Report of the Standing Orders Committee is correctly worded is another matter. That was brought up yesterday and as I think I was saying towards the end of the proceedings yesterday, the wording of that Motion, as presented, the last two lines were, probably, not appropriate. They are not actually necessary to the Motion, but you will see from what I have been saying that, in my view, they follow, if that Motion to reject that Committee Report succeeds. If it does not succeed then they do not follow, and that is the end of that.

I would perhaps revert to one more point. The First Elected Member for West Bay made the point that if the original resolution was to be carried as the will of the House, notwithstanding the activities of the Standing Committee and its Report, that Standing Order 84(3) should have been suspended. I think this is a point you have made. I think it is a valid point. It would have, if you like, made things doubly clear. But as I have tried to go over the procedure I do not think it is strictly necessary.

Perhaps, I could go back to one further point which the Third Elected Member for George Town made, that what is remitted to the Standing Orders Committee is a draft for that Committee to consider and to deal with as it may think fit and that the House is only, therefore, remitting a text to the Standing Orders Committee to deal with. That is a fair point. The Standing Orders Committee may, indeed, think and say and report precisely what it thinks about that proposed amendments, but I do not think that derogates from the power of the House, at the end of the day, to decide what it wishes to do. I think this is crucial. I think Erskine May bears out this interpretation.

The First Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Are you saying, Mr. President, that we have Standing Orders which specifically refer to any matter going to the Standing Orders Committee and you are saying that the House can deal with any matter going before the Standing Orders Committee without suspension of those Orders?

MR. PRESIDENT:

No, I am taking your point. Your point was, if I got it correct, that if Government Motion No. 3/90 with the Resolution to amend the Standing Orders is to carry through, if the Report of the Standing Committee is rejected, then the Government should have raised the suspension of Standing Order 84(3). I think this was your point? With great respect I do not think that is necessary in the procedure. It might be what you would call a belt and braces procedure, but as a matter of principle I would hope that we should suspend Standing Orders as infrequently as we can. And I believe that procedures here provide for the amendment to Standing Orders in the way I have described.

There is one further thing, of course. At the end of the day, under the Constitution, Standing Orders do not become amended until the Governor has approved them anyway. I had missed that step but it is there.

MR. W. McKEEVA BUSH:

I do not want to belabour this point, but to get it absolutely clear, you are saying we have Standing Orders which set out a procedure to be followed. I should point out that there was such procedure before and there is precedent in that Standing Orders have been sought to be amended. I refer to 1985 when I brought a Motion to amend Standing Orders, that Motion was passed by the House. It was passed by the House with no debate as it says in Standing Order 84(3), went to the Standing Orders Committee, the Standing Orders Committee rejected it and that was it. There is precedent.

MR. PRESIDENT:

Thank you for that. Surely the question is whether the House

proceeded. I was not in the House at the time. What actually happened when the Report from the Committee came to the floor? What actually happened? Presumably the Report was Tabled? Was there then any further proceedings.

MR. W. McKEEVA BUSH: No, and the Hansard can bear me out.

MR. PRESIDENT: In that case it suggests to me that the House at the time did not wish to proceed. The situation, I think, is now different. The Motion seems here, to indicate that the proposal is that the House do proceed with it. I think there is a difference.

MR. W. McKEEVA BUSH: There is a difference, but you do not go in and take a matter, reject it and come back out and say what your will was before.

MR. PRESIDENT: Sorry, may I just make a point. There may be some, not misunderstanding, but maybe some difference of opinion here. On the one hand we are talking about the will of the House as expressed in the first part of Motion 3/90. That has not, and does not amend Standing Orders by itself. This is important. Until the procedures are gone through, but if, and I must keep on saying if, the Committee's Report is rejected by the House, then we are back at the situation where the resolution of the House was and again I quote from the Government Motion:

"That Standing Orders be amended..".

How some procedures have to be carried through. You cannot just come to a dead stop and it appears to me that these procedures provide that the House then supervenes the Committee. The Committee cannot rule the House. This is the point.

MR. W. McKEEVA BUSH: No, Mr. President, we certainly are at odds, because if we have Standing Orders that say the House shall do such and such a thing and we go through with that, you cannot come back and impose your will and say "Well, we really did not mean that." In fact, we do have a procedure after, as I said I am not questioning the rejection, that is his privilege to move the rejection, or adoption, or the modification under Standing Orders again. But to come back and say that the will must be. No. The procedure must be that you take, under Standing Orders and go the six months before the matter comes back before the House.

MR. PRESIDENT: I fear I have to disagree with you because the Committee is subservient to the House. It is the House that must deal with this. I can appreciate the drive, but I think one has to come back to this, the House determines its own procedures and its own decisions. You cannot have a Committee telling the House what to do. I think this must be the case.

The Second Elected Member for the Cayman Brac and Little

Cayman.

MR. GILBERT A. McLEAN: Mr. President, following on your discourse, I do not think it is a question of whether the Motion brought by the Member for Education says that the Standing Orders should be amended. I think that is quite specific. It says:

"BE IT RESOLVED that the Standing Orders be amended by....." (numbered (1) to (4)).".

I think it can be accepted that that was the intention or the will of the majority of the House at the time that the vote was taken, that it be amended.

But I submit that the next step or process was then to determine how will that be done? It can only be done one of two ways. Either it is referred to the Standing Orders Committee, as was done, where there is no debate in the open House (and the Standing Orders Committee meet to amend, as was asked for), or not amend. The Standing Orders Committee did not amend the Standing Orders according to what the Motion asked for. So, the next step of the process was for the Chairman of that Committee to come back and report to the House.

I submit that when that Report came to the House, under Standing Order 72(5), any Member, Government or otherwise, could only do three things - adopt it, modify it or reject it. I do not contend that the Member has the right to reject it. I submit, that it is the only thing that he could do at this stage. Move a Motion to reject the Report and if the Member wishes to bring back this same Motion, he should use another means or vehicle or move another Motion to that effect. It is not the case that you can reject it and adopt it at the same time.

Thank you, Sir.

MR. PRESIDENT: Thank you.

I think one point I should make on the first part of your contribution, "that the Standing Orders Committee meets to amend or not amend Standing Orders". The Standing Orders Committee has no power to amend, at all. It is the House that proposes to the Governor amendments to Standing Orders. The Standing Orders Committee is the House in a particular Committee, for a particular purpose. It, the Standing Orders Committee, does not amend Standing Orders. It is a point which I think you would accept.

It has a particular function but not that one.

We do come back to this point that there is some unease in parts of the House that if the Standing Committee's Report is rejected, that it is not absolutely clear that the Resolution No. 3/90 and the text in it, then applies or becomes what the House proposes under the Constitution. It is a difficult point. I have discussed it at some length with the Attorney General because it occurred to us also. Earlier today we discussed it at some considerable length and he did advise me along the lines that I have spoken with regards to the procedures.

I do not quite know how much further I can take it. I have done my best to interpret the Standing Orders.

The Attorney General.

HON. ANTHONY S. SMELLIE:

Mr. President, if I may be allowed a word or two on this matter.

I think what is absolutely clear, first of all, is that the operation of Standing Order 84(3) is such that the proposal is automatically referred to the Standing Order Committee, unless there was a Motion to suspend that particular procedure. So when the proposal was first put, as was done yesterday morning, the majority of the House did not, at that stage, amend the Standing Orders. What it did was express its wish that the amendment be sent to the Committee for consideration. The Committee met, considered that and the Report was tabled to the effect that the proposal should be rejected.

Now following on that we have a further Motion, pursuant to Order 72(5) and that provision allows a Motion without notice that the Report either be adopted, modified or rejected. That, as I understand it, is the essence of what this further Motion seeks to do. The point of procedure now to be taken is by way of objection to the use of the words in that Motion, which would seek to invoke the will of the House as that will had been expressed yesterday morning before the Committee Stage.

I think that the question has been addressed by yourself and quite properly so, because the manner in which the proposal may have been put yesterday morning, included the manner in which the Resolution was put and that is:

"BE IT THEREFORE RESOLVED that Standing Orders be amended by:-

(1) inserting a new provision 62(a)."

That obviously was the will of the House at that stage, and that is what was sent to the Committee for consideration. Therefore, if this further Motion is successful in rejecting the Report of the Standing Order Committee, then that will of the House still remains. This is not to say, to my mind, that if the Report is rejected that automatically the original will of the House applies. There are two further steps. I think the House will have to consider whether the amendment should be passed in the fullest sense of the word. That is the first further step and the second step is that your consent be applied under the Constitution.

Those are my views on it. I am obliged for the opportunity.

MR. PRESIDENT:

Could I ask you to expand on the last part of your statement because I am not sure that I follow it fully. That is "Some further step needs to be taken." I may have the exact words wrong. Some further steps need to be taken to indicate that the House wishes to amend Standing Orders according to that original text. What do I understand by that?

HON. ANTHONY S. SMELLIE:

Yes. The further steps, as I see them (and I think this may be the very hub of the matter), is if this Motion is to be debated, to my mind, it involves a Resolution of the substantive question, which is this: Should the Standing Orders be amended? Yesterday morning when the House voted to send the matter to the Committee for consideration it expressed the wish that the amendment be carried and that the Committee consider the amendment. But it certainly could not, at that stage, amend it. What is left to be determined is whether the amendment should be carried, and the manner in which the resolution is now worded, I do not think, is a critical matter. All it simply does is refer to the fact that when it was sent to the Committee of the House, at that stage, indicated that it wished for an amendment to be carried through the Committee.

MR. PRESIDENT:

If I can paraphrase, it sounds to me like 'belt and braces' advice, with respect.

HON. ANTHONY S. SMELLIE:

I am not familiar with the term, belt and braces.

MR. PRESIDENT:

It means making doubly sure.

HON. ANTHONY S. SMELLIE:

Yes, Mr. President, you see the way the Motion is now worded, I do not understand it to say that by rejecting the Report of the Committee, automatically means that there should be no further debate on whether the amendment should be carried. I think it should be clear to the House that the Motion requires a full debate on the entire issue.

MR. PRESIDENT:

I think I take your point, but I had understood that there would be a full debate on this Motion in regard to the Report of the Standing Committee.

HON. ANTHONY S. SMELLIE:

Precisely. This is my understanding. It seems that there may be

some misunderstanding of this on the other side.

MR. W. McKEEVA BUSH:

No.

MR. PRESIDENT:

No. Fine.

The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN:

Mr. President, to support what has been said, (that there are two separate issues there), would be an example which we could well have. Suppose there was one Member who had voted for this to go into the Standing Orders Committee, not because he agreed with everything in it, but because he wished the democratic process to be gone through there. Then the total will of the House, if it was only one person I am just referring to because it has to be that close, it could well be that that vote, what that gentleman was saying; I wished to see it go to the House and follow the democratic process even though I do not agree with everything in it. Hopefully in there we could amend it in some way. So the original will of the House may not necessarily have been to accept or reject, in this case accept, the total Resolution because there have been many times, in fact once before that I can remember where something was sent to a Committee while it was not agreed to in total.

So if someone had disagreed with a little part of this, but felt my duty is to send it to the Committee where we can debate it, then it would be wrong to assume that the will of the House was to accept it in total. I think that supports what the Honourable Attorney General has said.

MR. PRESIDENT:

If I follow the drift of your remarks, you are not, I think, saying that the processes have not been followed but you are saying that on your interpretation of the process a certain result is obtained. That is fine.

It does in fact. As I said earlier, Standing Orders I think are not terribly clear on this. If the Attorney General now thinks (in order to be perfectly safe), that a separate Motion is required, (we have settled the point that there will be a full debate on the present Motion), but if there is a separate Motion required to make absolutely clear what it is that the House is agreeing to, is that what you are saying?

HON. ANTHONY S. SMELLIE:

I am not saying that a separate Motion is required, Mr. President. Let me put it this way. Standing Order 72(5) refers to adopting, modifying, or rejecting. Now if the House agrees to reject the Report, it seems to me, that we will be left in something of a vacuum, because the House did resolve, yesterday morning, to send the amendment in a particular way to the Committee for consideration. I think what the Honourable Member for Education seeks to do therefore, is to complete the procedure and this is a point that I think you have sought to explain, by explaining in his Motion that the next step to be followed is to have the original will of the House passed in the fullest possible way and thereby to effect the amendment of the Standing Order.

You have already explained that the House, of course, supersedes the Committee. If the House votes to reject the Report, then that leaves quite a lacuna. To my mind the only way that it can be addressed is for the Motion to be dealt with in the fullest sense in the way it has been put.

MR. PRESIDENT:

May I just paraphrase this to see that I understand it. I am sure you all do. One moment, if you would. First the House will debate the Motion before it (which is in regard to the Report of the Committee) and if I am following the Attorney General's advice, in order to make doubly sure that the House has not omitted anything in the proper procedure, although the Standing Orders do not provide for this, there should be another Motion which would seek to say, words to this effect: And the House reaffirms its will as expressed on the first proposition in No. 3/90. Have I got that right? Sorry.

HON. ANTHONY S. SMELLIE:

I just wish to rise to confirm it. I think that paraphrasing is the way I would have expressed it.

MR. PRESIDENT:

The Third Elected Member for West Bay. Would you like to....?

MR. JOHN D. JEFFERSON, JR.:

Thank you, Mr. President.

I would like to say that I personally am happy that I do not have the legal degrees behind me, that some people profess to have in here, because as a layman, this is exactly the way that we interpret it. The will of the House was that it be referred to the Standing Orders Committee to be dealt with and considered. The Standing Orders Committee said no, we do not want to amend the Standing Orders. It came back, a Report was tabled under Standing Order 72(5) and there are only three things available. You can either reject, modify or accept the Report. Now for the interpretation that we carried that extra step and said, "Well, if it is rejected the original Motion comes back to the House in the same form." I think the procedure which referred it to the Standing Orders Committee in the first place was a waste of time.

My attitude and it was my understanding, even though I accept your ruling that the House has the authority to do whatever it feels like doing with the Standing Orders, sure, but the Standing Orders were established for a particular purpose and they must apply to everyone. Not only to the Backbench or not only to Government. It must apply across the hall. We have the Standing Orders to guide us. Government, (even though it was their intention to move these amendments), chose to follow procedures. By following the procedures the results were that the House, in Committee, decided not to accept the will of

Government....

MR. PRESIDENT: ...I must interrupt. This is not a question of whether the Committee accepts the will of the Government or the will of the House. The two things are separate. The Committee operates in its own parameters and has very properly done so. Please do not advert to the question of the Committee and the House. I think we have settled that.

MR. JOHN D. JEFFERSON, JR.: The only reason why I brought that in is because in the subsequent Motions, the will of the House was mentioned. My attitude and my argument is that the will of the House was not that the Standing Orders be amended. That is not the will of the House. The will of the House was that it recommended that certain Standing Orders be amended and to be referred to the proper body to have that done. That proper body was the Standing Orders Committee. Now, for that to be rejected and come back to the House, the Honourable Member who also claims to be a lawyer says, "No, I am going to reject that Report. Now it means that my Motion, as it was brought in in the initial stages, remain the same." It cannot.

MR. PRESIDENT: I am grateful for your contribution but I think we have covered this ground. We understand where we are and I have, in fact, illustrated how the Government will have to proceed in order to carry this out meticulously and to avoid problems under the Standing Orders. Please continue if you like but I think the points have been made now.

MR. JOHN D. JEFFERSON, JR.: I do not have much longer to speak, but it upsets me when I see proper procedures. As far as I am concerned, we do not need these. What is the purpose of these?

MR. PRESIDENT: We are now, in fact, getting into a debate on procedures with an attempt to clarify the procedures and I feel that we have clarified them. I would hope that this is not going to develop into a debate where people are making allegations and generally getting away from the subject. That is not what we should be about. That is not directed at any particular Member, please understand that.

I see several Members wishing to speak. Could I just go over the situation on the advice of the Attorney General, I think the House is in and then the House or individual Members must decide how they wish to proceed by way of further Motions or whatever.

As I see it at the moment there is a Motion before the House to reject the Report of the Standing Orders Committee. That will be debated. Depending on the outcome of that, the Government may or may not, wish to introduce a further Motion with reference to Motion No. 3/90, reaffirming the intention or the proposal to the House to amend Standing Orders in the way set out. That would then be a question of a Motion and a vote. I would think, although I cannot look forward into Members minds, that most of the ground of that debate will have been covered in the debate of the Report of the Committee. That is by the by.

I think that is the situation that we are in. I think the Attorney General has said that he agrees with that. Unless Members now wish to make other proposals, I would think the House should go forward on that basis. The Honourable Member for Education who has not yet said much on this subject. Do you want to say something on procedure?

HON. BENSON O. EBANKS: To be honest, Mr. President, I was talking to my colleague when you made your last pronouncement. Have you ruled on the issue, because if you have not I have a submission to make, Sir?

MR. PRESIDENT: I think the Chair has ruled on what is now necessary. I mean I am quite prepared to hear more because obviously we have a problem with Standing Orders and it is best that we ventilate it properly and fully.

HON. BENSON O. EBANKS: In that case I would like to make a submission, Sir. My submission is that Government Motion No. 3/90 was properly moved yesterday morning. It was properly drafted in accordance with Standing Order 84, containing the draft of the amendments which it proposed to the Standing Orders. The resolve section of the Motion dealing with that cannot be in question. It says:

"BE IT THEREFORE RESOLVED that Standing Orders be amended by ...".

The form of the amendments were here. That is what was sent to the Committee. It can be analogous to a Bill being sent to a Committee, and if the Bill is not amended in the Committee, what went to the Committee and comes out stands. It only remains for the House to accept it. If it went to a Committee and was amended, then, unless the recommendations for amendment coming out of the Committee are defeated, then the Bill takes the new form.

In fact, this is a case of belt and braces which we are doing. All that is really needed here, is that I scratch everything else out of this Motion other than the Standing Order Report be rejected. If that is rejected, that is, in fact, could be, in my submission, under the Standing Orders the end of play, other than your signification that the proposed amendments are in order. But in order to cover this grey area, and to permit wider debate on this whole issue, this is why the Motion is worded the way it is.

But if Members are afraid to debate the Motion, I would be quite happy to put a Motion saying: "I, the Member for Education, Environment, Recreation and Culture do hereby move

that the Report of the Standing Orders Committee upon the proposed amendment to Standing Orders be rejected.". It is my submission that if that Motion is carried, then the Standing Orders stand amended.....

MR. W. McKEEVA BUSH: No!

HON. BENSON O. EBANKS:because, Mr. President, let us go through this one more time. Step by step.

A notice of the Motion was sent to the Clerk with the amendments included. None of these amendments were deemed, obviously, by the President to be out of order. That is, to be objectional in character to the point where he would refuse to have the will of the House put on it. In accordance with Standing Order 84(3), that Motion was voted on before midday yesterday and it was carried by a majority. The fact is that one or two Members did not support the vote on that Resolve section of the Bill, and I hear them saying, "No," Sir, but that is a fact. It was voted on. Let us check the Hansard.

MR. W. McKEEVA BUSH: If he is finished.....

HON. BENSON O. EBANKS: We had a vote, Mr. President. I am going through all of the steps. We had a vote. It was carried by a majority. So the Standing Orders say that from that point it goes to the Committee where the details of these amendments will be looked at.

Now the Committee met and made certain recommendations as regards to these proposed amendments. And it is those recommendations which, under Standing Order 72(5), my Motion seeks to have the House reject. And if they are rejected, then the Motion as sent to the Committee must stand.

MR. W. McKEEVA BUSH: No, Mr. President....

MR. PRESIDENT: Please, I would like to make some observations.

HON. BENSON O. EBANKS: The broader bit of the Motion, Sir, only seeks to allow debate and to ensure that no grey area is left. It is in my opinion the second Motion, which the learned Attorney General talks about, in other words, that is the second part of the Motion.
Thank you, Sir.

MR. PRESIDENT: Attorney General, do you wish to say something?

HON. ANTHONY S. SMELLIE: Yes, Mr. President, I hope this also helps to clarify the matter, at least to express my view on it. I think that there is an important distinction to be observed between the wish of the House that an amendment be carried and an actual amendment. As I understood the procedure before Committee Stage yesterday morning, ordinarily Standing Order 83(4) would have operated so as to result in a direct reference of the proposal to the Committee. That Standing Order was not suspended. Therefore, the vote on the proposed amendment would not have been a vote to actually effect the amendment. It would have been a vote expressing the wish of the House that there be an amendment. As I understand it, that is what was referred. The reference in the present Motion, therefore, to the wish of the House, is valid to the extent that it was the wish of the House that the amendment be carried and the fact that the Committee dealt with the amendment.

MR. PRESIDENT: I think what is perfectly clear is that there is a gap or short-coming in the Standing Orders on this procedure. As the Honourable Elected Member for Education said, in Bills procedure, because there is a Third Reading, which is prescribed and followed, that is a clear procedure. But unfortunately, I think, it now is clear we do not have a similar set of steps for Motions and amendments to the Standing Orders.

I have considerable sympathy with the position put because my original reading of all of this was, there was a gap. It was implicit that the original Resolution would be carried, whatever the Committee chose to recommend. I think in the interests of absolute safety and correctness, I propose we proceed so we should take the debate on the Report of the Committee. After that there should be a Motion which specifically asks the House, assuming the first one is passed, there will then have to be a Motion asking the House to affirm or otherwise, its view, as taken, on the first proposition on Motion No. 3/90.

The problem with the Chair here is that one side or another is going to feel that it has been ruled against. What I am ruling against, in fact, is a shortcoming in Standing Orders. So....

HON. BENSON O. EBANKS: In that case, Mr. President, if you have ruled, I want to give notice that I will be bringing a Motion for the adoption of the amendments as contained in this Resolution.

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

MR. PRESIDENT: Sorry, I think the Third Elected Member for George Town was just before you.

MR. TRUMAN M. BODDEN: Mr. President, I understand the complexity of this and the

deficiencies in the Standing Orders as well. It has given me a lot of time and trouble on it, but I am wondering, perhaps, about a seven or ten minute quick adjournment may not save the House much further time and debate. If that may be possible so that rather than everyone getting up and trying to consider this that we could look at it together.

MR. PRESIDENT: I rather thought that the Chair had ruled as to what the procedure is going to be. I mean if you are upset with this, I think there is provision for you to move that the Chair be suspended, or something like that. (laughter)

HON. D. EZZARD MILLER: With respect, Mr. President, I think the Chair has ruled. I think it is time for the Member for Education to move the Motion.

MR. W. McKEEVA BUSH: Just for the sake of clarity. I know you have made the ruling. You have now ruled that the Motion can only deal with the rejection of the Report of the Standing Orders Committee. Is that your ruling?

MR. PRESIDENT: It is not so much my ruling as it is the fact that that is all the amended version purports to do and has from the beginning.

MR. W. McKEEVA BUSH: That is not what he is saying.

MR. PRESIDENT: No, sorry, that was his proposition which was different from your proposition. I have considered them both and the fault is in Standing Orders. Now, I think that we will now...

MR. W. McKEEVA BUSH: This is an important point for the House, Sir, and as we are dealing with procedure, I, (for the love of me,) cannot find where the fault of the Standing Orders are?

MR. PRESIDENT: I am sorry. In my view, there is a gap in the Standing Order because if the procedure for Motions to amend Standing Orders were parallel to the procedure for Bills, the Standing Orders would say, "and there will then be a resolution following the report of the Committee that something or other be done." That is what I am blaming Standing Orders for. After all, it is convenient to find a mutual scapegoat, is it not.

MR. W. McKEEVA BUSH: Well, I know that the Member for Education did not know what he was doing but we can find another scapegoat.

MR. PRESIDENT: Please, please, please let us not go into that.

MR. GILBERT A. McLEAN: Mr. President, just for the sake of clarity. What would we be debating now? Which of the Motions? There is a Motion and there is an amendment to one.

MR. PRESIDENT: The House has before it, if I may answer you, an amended Motion. It is not an amendment to the Motion. It is an amended Motion. So what the House is about to debate is the amended Motion dated the 12th of June, 1990, headed Amended Motion, Standing Order 72(5). Do you have that text?

MR. GILBERT A. McLEAN: Yes, Mr. President, I do. Could I just then ask if this Motion is to put a Motion to reject the Report of the Standing Orders Committee? Is that what this Motion is saying? Is that the ruling?

MR. PRESIDENT: Yes.

MR. GILBERT A. McLEAN: And also, Mr. President, if in the event that this Motion carries, what will be the status then of the Finance Committee? How will it be affected? What will be the situation?

MR. PRESIDENT: There would be no effect at that point. I might say incidentally just to carry through the ruling, the last two lines of the amended Motion should be taken out. Then we know precisely where we are.

If I may go back. Finance Committee is not or would not be affected until and if, the Motion the House is about debate, is passed. In other words, the Report of the Committee is rejected, there would then be an affirmative vote on a Resolution that the amendments, as proposed in Motion No. 3/90, should be made to Standing Orders, then they are referred to the Governor and there will be a Clause in the Constitution that I mentioned. Until all of that procedure has taken place and if it does, Finance Committee is not affected. Does that answer your question?

MR. G. HAIG BODDEN: Mr. President....

MR. PRESIDENT: Sorry, the First Elected Member for Cayman Brac and Little

Cayman.

CAPT. MABRY S. KIRKCONNELL: Mr. President, I was just going to say as we have almost reached the break time, I wonder if we could take the break before we take the vote?

MR. PRESIDENT: That sounds like a promising idea.
The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, I am only asking if my understanding is correct. That if the Motion before the House succeeds and the Committees Report is rejected, would you then have the authority to go ahead, after you put the other, would you have the authority to go ahead and make changes in the Finance Committee? Or would you allow a Motion to be brought immediately after having regard to the Standing Order that requires a six month space between Motions that have been defeated and cannot be brought back within six months? Would it be your ruling that you would go ahead and allow a Motion to put through something that had been rejected so recently or would we wait the six months and perhaps by that time find out what is necessary to get this through the House, if it is the will of the House? Because there has been a clear rejection of.....

MR. PRESIDENT: I am sorry. May I answer your point, otherwise I will lose track of it. I thought that the very argument which had been advanced by the First Elected Member for West Bay and the Third Elected Member for George Town, was that the will of the House had not been expressed on the first proposition in Motion No. 3/90. Therefore, there is no question of the House reviewing within six months a previous decision. So I do not think that question arises.

MR. W. McKEEVA BUSH: Mr. President, Standing Order 24(8) says:

"No motion may be proposed which is the same in substance as any motion which during the precious six months has been resolved."

MR. PRESIDENT: There are two different things here which were inherent in your own earlier arguments, that it was not a resolution to amend Standing Orders but simply the will of the House, that that be the amendment and it then be referred. So I think that, that does not arise and I am grateful to see Members nodding in agreement.

Perhaps we should suspend for the tea break and resume the debate thereafter.

The House is suspended for 15 minutes.

AT 3:12 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:48 P.M.

MR. PRESIDENT: Proceedings of the House are resumed.
The Amended Motion standing in the name of the Honourable Member for Education.

**AMENDED MOTION AS AMENDED
TO REJECT THE REPORT OF THE STANDING
SELECT COMMITTEE ON STANDING ORDERS**

HON. BENSON O. EBANKS: Thank you, Mr. President.
I beg to move the Amended Motion standing in my name entitled Report of the Standing Select Committee on Standing Orders. The Motion reads:

"WHEREAS the will of the House in regard to amending Standing Orders providing for the composition and other matters relating to the Standing Finance Committee was expressed in the affirmative resolution on Government Motion No. 3/90;

I, the Member for Education, Environment, Recreation and Culture, do hereby move that the Report of the Standing Orders Committee upon the proposed amendment to Standing Orders be rejected."

MR. PRESIDENT: The amended Motion as amended is duly moved. Would the mover now wish to speak to it?

HON. BENSON O. EBANKS:

Yes, Mr. President.

In moving this Motion I would like, first of all, to point out that the Motion seeks to reject the total Report which would include Item 2 of the Report under deliberations. That is item 68(A)(2) of the proposed new Standing Order, which states that:

"68 A(2) Subject to Standing Orders 81 and 82, the deliberations of the Finance Committee shall be in public."

will also be rejected.

I want to hasten to add that the reason for including that in all that is being rejected is so that when the affirmative Motion is moved at the conclusion of this Motion, it will be included in that so that every amendment will be in one piece of paper. This is for clarity and neatness sake.

In rejecting this Report one must go into the details of Government Motion No. 3/90 to explain exactly what Government seeks to do and will do when this Motion and the affirmative Motion have been accepted.

But, before I get into that debate I want to go on record as deploring some of the debate which is taking place in this House. During the course of debate yesterday, it was said on several occasions that I was deliberately misleading the House and the public on the contents and effects of this Motion. I regard that as tantamount to questioning my honesty and integrity.

It appears to me, that the preservation of one's good name is not of much importance to some people. But it certainly is to me! I therefore, implore all Members to desist from this type of behaviour and debate. I have never attempted to coerce any Government department to buy any goods from me. I have never had to repay any money to a bank because it stuck to my finger, or I have never carted away goods from any store before my employer arrived in the morning, or been connected in any way with the sale of land to Government at inflated prices. And I am issuing a warning that if this type of behaviour persists, I will have no alternative but to call names and give documented facts in here, which will leave many red faces.

I want to assure Honourable Members, that any proposition which suggests that Benson Ebanks is dishonest will never fly in this Island or community.

It is apparent from recent occurrences and pronouncements made both by Honourable Members of this Legislative Assembly and the general public that there is widespread misunderstanding of the functions of Finance Committee and the Standing Orders governing the procedure in Finance Committee. For these reasons I deem it necessary to go into some detail of the functions and procedures as laid down in Standing Orders for the conduct of Finance Committee.

But before I do that I wish to give some idea of the whole budgeting process as carried out in these Islands. When the annual Estimates of Expenditure are being prepared for each succeeding year, Heads of Departments with their staff, working to general guidelines issued by the Financial Secretary as to the percentage increase over the previous year to be observed in respect of recurrent expenditure, make proposals for expenditures together with the amounts of revenue which they anticipate to collect from the public to pay for these expenditures.

These figures are then forwarded to the respective Principle Secretaries who with the responsible Member of Executive Council put them in final draft form for each portfolio. These are then forwarded to the Budget Officer through the Financial Secretary who then consolidates these requests into one document. It is at this point that for the first time the total of all sums requested are known.

It is not uncommon for those total requests to exceed the anticipated revenue including amounts being raised by loans and transfers from the surplus and reserves built up over previous years, by as much as \$30 million. The responsible Members of Executive Council, including the Official Members of Council and including the Financial Secretary must then, in consultation with their Principle Secretaries and Heads of Departments, begin to eliminate requests by selecting priorities as they see them until the Budget is balanced. That expenditure is trimmed so as not to exceed the total revenue anticipated to be collected to pay for them.

This exercise can involve as many as a dozen drafts. When the final draft is agreed upon it is then taken to Executive Council and there agreed upon formally by all Members of Executive Council, including the Official Members and then sent to the Legislative Assembly as an attachment to the corresponding Appropriation Bill.

As will be shown later and shortly I hope, once the Schedule to these Estimates and the Appropriation Bill have been dealt with by Finance Committee it is then brought back to the full Legislative Assembly to be read a third time and passed into Law. So, the Motion as proposed to include the other two Official Members on the Finance Committee is only allowing them to take part in the third stage of a process, that is, the study by Finance Committee of the schedule to the Budget, two of which they have already taken part in. Put another way it will allow them to do the middle portion, that is, study by Finance Committee, of the schedule of the Budget of a three stage process where they are totally and completely involved in the first and third stages. So the third stage being the voting of the Appropriation Bill into Law.

What is proposed in that respect is no big change. It merely allows them to complete and take full part in an exercise that they are already deeply involved in. Especially the approval of the total Budget sent to Finance Committee.

Finance Committee is presently constituted by Standing Order 73(1) and it states:

"73(1) There shall be a standing select committee to be styled the Finance

Committee for the consideration of the estimates of expenditure, financial bills and other business referred to it by the House or by the Governor."

The significant thing to be remembered from this Standing Order is that the Finance Committee is established for the purpose of the consideration of the estimates of expenditure, Financial Bills and other Bills referred to it by the House or by the Governor. The Motion, that is, Government Motion No. 3/90, gives to the Financial Secretary the right to bring matters to Finance Committee in his own right, something that he does not now enjoy. We, instead of diminishing, (in this exercise) the powers of the Financial Secretary are increased. Standing Order 73(2) states the composition of Finance Committee as the Financial Secretary as Chairman and all the Elected Members. Standing Order 73(3) sets the quorum of Finance Committee as seven members including the Chairman - so much for the Constitution of the Finance Committee.

Now let us turn to the section of the Standing Orders which deals with financial procedures. That starts with Standing Order 63 which reads:

"63(1) Any bill containing the estimated financial requirements for expenditure on all the services of the Government for the current or succeeding financial year shall be known as the Appropriation Bill. Estimates containing the details of those financial requirements shall be presented in accordance with the provisions of Standing Order 18 (Presentation of Papers), immediately before the presentation and First Reading of the Bill."

What Standing Order 18 says is that:

"A Paper may be presented to the House only by a Member of the Government, and that its presentation shall be entered upon the minutes. The Member of the Government presenting a Paper may make a short explanatory statement of its contents."

Standing Order 63(2) provides that:

"On the Motion for the Second Reading of an appropriation bill debate shall be confined to the financial and economic state of the Islands and the general principles of Government policy and administration as indicated by the bill and the estimates."

Standing Order 63(3) states:

"63(3) On presentation to the House the estimates shall stand referred to the Finance Committee, and on being read a second time the Appropriation Bill shall stand committed to that Committee."

Standing Order 64(1) states:

"64(1) On the consideration of an appropriation bill in the Finance Committee the clauses of the bill shall stand postponed until after consideration of the schedule or schedules."

Standing Order 64(2) provides:

"64(2) On the consideration of a schedule each head of expenditure shall be considered with the appropriate estimate, and any reference in these Standing Orders to a sub-head or an item means a sub-head or an item in the estimates for the head then under discussion."

Standing Order 64(3) reads:

"64(3) On the consideration of a schedule, the chairman shall call the title of each head of expenditure in turn, and shall propose the question "That the sum for head... stand part of the schedule" and, unless an amendment is proposed under the provision of Standing Order 65, a debate may take place on that question."

It is important that we see what Standing Order 65 has to say, since it says unless an amendment is proposed under the provisions of Standing Order 65, a debate may take place on that question.

What Standing Order 65 says is:

"65(1) Except upon the recommendation of the Governor to be signified by the Chairman or any Member of the Government and recorded in the minutes of proceedings, the Finance Committee shall not proceed upon any amendment which

in the opinion of the Chairman increases the sum allotted to any head of expenditure whether in respect of any item or sub-head or of the head itself; every such amendment shall take the form of a motion "That head ... be increased by \$... in respect of sub-head ... Item...".

Having read that I wish to go back to the other sub-Orders of Standing Order 64 and show how the procedure progresses. Standing Order 64(4) provides:

"64(4) When all the heads in a schedule have been disposed of, the Chairman shall put forthwith, without amendment or debate, the question "That the schedule (as amended) stand part of the bill".

64(5) When every schedule has been disposed of, the Chairman shall call successively each clause of the bill and shall forthwith propose the question "That the clause stand part of the bill" and, unless a consequential amendment is moved, that question shall be disposed of without amendment or debate."

It is significant to note what the next sub-order, (6), has to say:

"64(6) No amendment may be moved to any clause except an amendment consequential on an alteration in the total sum appropriated by any schedule. Any such consequential amendment shall be moved by the chairman or any Member of Government only and may be moved without notice, and the question thereon shall be put forthwith without amendment or debate.....".

What we see here is that even if a Member of Executive Council other than a Government Member succeeded in reducing a vote as is provided for under some other later Standing Order, unless the Government accepts that reduction and moves the amendment to the Schedule, there is no way it can be passed or even presented in Finance Committee.

These two sub-orders, taken together in reverse order make two things abundantly clear that only upon the recommendation of the Governor to be signified by the Chairman or any Member of the Government, meaning Executive Council, and recorded in the minutes of the proceedings may the Finance Committee proceed upon any Motion which will have the effect of increasing the sum of monies allotted in the Estimates whether in respect of any head or sub-head or expenditure. No amendment may be moved through any clause of the Appropriation Bill except on two conditions. One is that it be moved consequential on an alteration in the total sum appropriated by the Schedule and the second is that such an amendment is made by the Chairman or any Member of the Government.

Nowhere in these Standing Orders is there provision for any Member not being a Member of Government to increase any spending. As I said, even the Motions for the increases by the Chairman or any Executive Council Member must be with the recommendation of the Governor. Even if a non-Government Member succeeds in reducing the sum in the Schedule or Estimates, they cannot move an amendment to the relative clause of the Bill. It must be moved by the Chairman or a Member of the Executive Council.

So, it is clearly shown here that the procedure in Finance Committee is not as the Backbenchers have been claiming in the recent past and certainly not as stated by the Caymanian Bar Association and other misinformed individuals from time to time.

With your permission, Sir, I will now return to the other sub-heads of Standing Order 65. It will be seen from these how much more tightly the Estimates of the Islands are controlled by Executive Council or to put it more correctly, I should say, the Governor with the advice of the Executive Council. I propose to read straight down all Standing Orders to Standing Order 68.

"65(2) An amendment to increase a head whether in respect of any item or sub-head or of the head itself shall take precedence over an amendment to reduce the head in the same respect, and if it is carried no amendment to reduce the head in that respect shall be called.

65(3) An amendment to any head of expenditure to reduce the sum allotted thereto in respect of any item therein may be moved by any Member, and shall take the form of a motion "That head ... be reduced by \$... in respect of (or by leaving out) sub-head ... item...".

65(4) An amendment to reduce a head in respect of any sub-head or by leaving out a sub-head shall only be in order if the sub-head is not itemised.

65(5) An amendment to reduce a head without reference to a sub-head therein shall only be in order if the head is not divided into sub-heads.

65(6) An amendment to leave out a head shall not be in order and shall not be placed on the Order Paper.

65(7) In the case of each head, amendments in respect of items or sub-heads in that head shall be placed on the Order Paper and considered in the order in which the items or sub-heads to which they refer stand in the head.

65(8) When notice has been given of two or more amendments to reduce the same item, sub-head or head, they shall be placed on the Order Paper in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case."

Yesterday I heard that under the proposed changes, Members would have to give notice of amendments but it is clear from Standing Order 65(7) that even now we should be given notice of proposed amendments and, in fact, the only place that Members can be getting that information from is this Standing Order because we are not introducing any new Standing Orders relating to notice.

Why I am mentioning this is because the Motion is careful to indicate that Standing Order 63 through 68 are preserved and wherever there is conflict with any other Standing Order, they shall prevail. So the procedure in Finance Committee will be no different than it is at the moment, save for the Chairman which we all know is a proposed change.

MR. W. McKEEVA BUSH:

Mr. President, I wonder if the Member could give way and explain a matter? The resolution that was taken to the Standing Orders Committee says that, "The provisions of Standing Orders relating to Committees of the whole House upon Bills, shall apply to Finance Committee."

I am asking the Member to explain that aspect of it.

HON. BENSON O. EBANKS:

Mr. President, if the Member was able to and had continued reading, Sir, he would have answered his own question -- "save that in the event of any conflict the provisions of Standing Order 63 to 68 shall prevail."

That is why I have taken the trouble, to read Standing Order 65(7) to make it clear that that Standing Order shall prevail and therefore there will be no change as regards notice on amendments.

MR. W. McKEEVA BUSH:

In conflict! Conflict!

HON. BENSON O. EBANKS:

Mr. President, I wish we could have a little bit of order. If the Member has a Point of Order I am prepared to listen to him, but I am not prepared to be interrupted.

MR. W. McKEEVA BUSH:

Mr. President, I thought that we had agreed to that extent. Would he give way?

HON. BENSON O. EBANKS:

I am not giving way, Mr. President.

As I said, Standing Orders 63 through 68 are preserved by the Motion. The reason for doing that is because the Motion is now proposing that the Finance Committee be a Committee of the whole House which will mean that you, as Chairman, will be sitting there. But it says that Standing Orders 63 to 68 shall prevail if it is in conflict with any other Standing Order in respect of Committees of the House.

The only difference that I see is that you, as the new Chairman, will be able to indicate on behalf of his Excellency the Governor or through one of the Members of Executive Council that his Excellency the Governor has given consent to any increases proposed by a Member of Executive Council. Of course it should be pointed out that that will be unnecessary in that His Excellency the Governor will have indicated that through a Member of Executive Council.

In reality, the problems with the proposed changes in the Motion, or the changes that are proposed by the Motion, are problems of perception rather than reality. The changes that are being proposed are, in fact, very minor.

Reference has been made to what the Resource Speakers at the recent Parliamentary Seminar had to say about how their Finance Committees work. One of the most important points made by all of them, was that it is all of the Parliament that meets to deal with their Budget. Of course, we are one of the few that still have Official Members so that those bodies, in most instances, certainly in the areas where the Resource Speakers came from, would have elected Parliaments, so it would be an elected body that was their Finance Committee. It is significant, that Mr. St. Clair-Daniel of St. Lucia, pointed out that it all boils down to the composition of the Parliament. What we are proposing is, that all Members of our Parliament now become involved totally in the Budget process. That is specifically what this Motion does. It puts all Members of our Legislature into the Finance Committee.

As I said, we are different than all of the territories which those people had experience with. Our Constitution, as we all know, provides for three Official Members who are, for all intents and purposes, full Members of our Legislature.

It is true, that we are one of the few places left in the world that have this requirement and provision. But, we are also one of the few places in the world where its people enjoy such a high standard of living. Even higher than the United States and higher than the United Kingdom.

Why do Members not tell the country that those same Resource Speakers at the Commonwealth Parliamentary Association Seminar, marvelled at our economy, our social

provisions and our high standard of living? That position was not reached through irresponsibility, or by burnishing and polishing individual egos. We have arrived at where we are because legislators of the past had the good sense to look at the Government of the country as the good running of a business.

What sensible businessman goes into his place of business and suddenly decides to throw his stock and trade through the window or into the garbage can and still expect to be successful? What sensible lawyer would walk into his office and throw out his law library? Or what sensible accountant or banker would walk into their offices and destroy their computers? What merchant would walk into his store and throw away his stock and expect to continue in business?

So it is with this country. We have had two items of stock and trade up to now which succeeding legislators have used to bring these Islands to its present stage of prosperity and those two items are our people and the stability which the Union Jack, fluttering in the wind and all that it stands for, gives us. Our stability has rested and continues to rest on our connection with the United Kingdom.

It does not matter whether one Governor appears to be asleep when he should be awake or whether one wears a beard that gives him the appearance of Santa Claus, that should not matter. What does and must continue to matter is the fact that they represent Her Majesty the Queen and that enables us to have an image of stability, which enables all of our people to enjoy a good life.

I believe any move that would change that situation is a reckless move. Any move that seeks to take the Official Members from this Assembly would be a move away from the United Kingdom, in my opinion. I will not be a party to any move that will lower my people's standard of living. I believe I can take some credit for some of the developments that have taken place in these Islands. Which of you believe that the thousands of companies and hundreds of banks doing business here are here because they love us or because we have nice beaches? They are here because our rates of taxation are low and because they feel that their investments and that of their clients' money and wealth are safe.

But, let me tell you something. The players in the financial industry are far more sophisticated now than they were when the Bahamas floundered. There, businesses are so structured and fine-tuned today that the whole of that industry can move from this Island in a second. All it takes is a telefax message or telex message to move those businesses. The only inhibiting factor in their moving out will be the availability of telephone lines from Cable and Wireless and you know Cable and Wireless continue to have no shortage of telephone lines.

I invite Members to check around town and determine how many of these banks own their own premises? A maximum of four do, and even some of those are their client's money or registered in a different company's name from the bank. As I said, they can move in a minute. And with those; nice planes that Cayman Airways have now they can ferry those people out so fast that this town can be made into a ghost town overnight.

MR. PRESIDENT:

Is it convenient for you to break here?

HON. BENSON O. EBANKS:
complete, Sir.

I have just one more paragraph on this topic that I would like to

As I said, this town could be made into a ghost town overnight. If that happened I want to know what you would do to retain our standard of living; our standard of schooling; our standard of health care? I will tell you what would happen. We would go back to eating breadfruit and fish seven days a week.

Now I will close at this point, Mr. President, until tomorrow morning.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:

I am not sure I am ready for the breadfruit, Mr. President, but I move the adjournment of this Honourable House until 10:00 o'clock tomorrow morning.

QUESTION PUT: AGREED:

AT 4:33 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A. M. WEDNESDAY, 13TH JUNE 1990.

**WEDNESDAY,
13TH JUNE, 1990**

10:20 A.M.

MR. PRESIDENT:

I will ask the Elected Member for East End to say prayers.

PRAYERS

MR. JOHN B. McLEAN:

Let us Pray.

Almighty God, from whom all wisdom and power are derived:

We beseech Thee so to direct and prosper the deliberations of the Legislative Assembly now assembled, that all things may be ordered upon the best and surest foundations for the glory of Thy Name and for the safety, honour and welfare of the people of these Islands.

Bless our Sovereign Lady Queen Elizabeth, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, Diana Princess of Wales and all the Royal family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Members of Executive Council and Members of the Legislative Assembly that they may be enabled faithfully to perform the responsible duties of their high office.

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

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

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

MR. PRESIDENT:

Proceedings of the House are resumed.

please.

The Third Elected Member from George Town, Question No. 76,

QUESTIONS TO MEMBERS

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION ENVIRONMENT RECREATION AND CULTURE

NO. 76: Would the Honourable Member say what is the cost to date and expected cost for completion of the renovations to the Government Museum and did the expenditure exceed the projected sum or sums initially in the contract?

ANSWER: A contract was signed on 12th July, 1989, in the sum of CI\$350,000.00 for the renovation of the old Court's building in preparation for its fitting out as a Museum.

Payments to 14th May, 1990, for the building works	CI\$338,757.87
Architectural, administrative, quantity surveyors, engineering and electrical fees to 14th May, 1990	CI\$ 42,895.17 -----
Cost to date (14th May, 1990) of renovations	CI\$381,653.04 =====
Estimated final cost of building works	CI\$380,000.00
Estimated final cost of architectural, etc, fees	CI\$ 50,807.22 -----
Estimated cost for completion of	

renovations

CI\$430,807.22

=====

The projected over run of costs for the building works is \$30,000.00. The anticipated excess of expenditure on related professional fees is \$30,807.22. The total cost overrun is therefore expected to be about \$60,807.22.

For this cost we have managed to retain the character and structure of this most historic landmark, while at the same time rendering it suitable and safe for use as a modern museum facility.

SUPPLEMENTARIES

MR. PRESIDENT:

The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN:

I would like to ask the Member whether the contract with the contractors and the professionals were fixed priced contracts, or whether they were open-ended.

HON. BENSON O. EBANKS:

Not open-ended, Mr. President. But as any contract, it contained a clause that if there were alterations and extra work to be done, they would be paid in accordance with the same rates as the original contract.

MR. PRESIDENT:

The First Elected Member from West Bay.

MR. W. McKEEVA BUSH:
this House?

Mr. President, is it possible for these contracts to be tabled in

MR. PRESIDENT:

Are you addressing him, in fact?

I think that is a matter for the Honourable Member to reply to.

HON. BENSON O. EBANKS:

Mr. President, I did not enter into the contract, nor do I have it, Sir. That is a Public Tenders Committee's function, if it is Government's. And if it is a quasi Government body such as the Museum, with a Board of Management and a Board of Trustees, I would imagine that they have that contract.

MR. W. McKEEVA BUSH:

I can well believe that he does not have it, Mr. President. But it is public money and we vote public money. And contracts, if we request them, should be able to come to this House. I do not find his answer suitable, Sir. Will the Member table the contract?

HON. BENSON O. EBANKS:

Mr. President, I would just like to remind the Member, Sir, that Government has not invested one red cent in this contract. All that Government has done is to give a guarantee for the Board to borrow \$300,000. Even the \$50,000 in excess of that for which the contract was signed was accepted by the Board to be raised from public subscriptions which they have done, and, in excess.

MR. PRESIDENT:

The First Elected Member for West Bay.

HON. BENSON O. EBANKS:

And, Mr. President, as to the last part of the question, if I am going to table the contract, it would only be if somebody more powerful than me tells me to do it. Not him!

MR. W. McKEEVA BUSH:

Mr. President, that is not the first time that he has shown contempt for this House. Nevertheless, when this Government guarantees a loan and something happens that it cannot be paid back by any statutory body, it is the money of the people of the Cayman Islands that will pay it back. Furthermore, it is the people of the Cayman Islands in subscription I am getting to the question, but I have to make the statement, Sir....it is the money of the people of the Cayman Islands that subscribe. If Government is the guarantor then there should be some accountability in the House. Does the Member not agree to this, and will he not bring these contracts to the floor of this House since he allowed sunshine laws?

HON. BENSON O. EBANKS:

Mr. President, the Museum Law requires that annual accounts be prepared, and now that the Museum is active those accounts will be presented and tabled when audited, in due course, in accordance with the Law.

The point that I am making is that this Government enters into contracts for millions of dollars, and I have never seen one of them tabled. I do not know why all of a sudden the Museum contract should be tabled. So that is why I said that if there is going to be a change in policy I want to know where the directive is coming from.

MR. W. McKEEVA BUSH:

Mr. President, it is not the accounts that we are worried about. It is the contract! Will the Member table those contracts?

- HON. BENSON O. EBANKS:** Mr. President, I believe that the Financial Secretary is one of the number of the members of the Board of Trustees. Maybe he could ask him if he is prepared to table it? I feel that it is a matter for the trustees.
- HON. THOMAS C. JEFFERSON:** Mr. President, as one of the trustees, I have no problem in tabling the contract.
- MR. W. McKEEVA BUSH:** I was wondering, Mr. President, whether there was not some parliamentary responsibility and accountability?
- MR. PRESIDENT:** That is a very broad question. I would have thought in fact that in the end this would be a matter for the Public Accounts Committee, if anybody, at some point. The Third Elected Member for West Bay was next.
- MR. JOHN D. JEFFERSON, JR.:** Thank you, Mr. President. The Member for Education mentioned that Government has not advanced one red cent for this project. I would like to ask the Member what the difference is between Government advancing funds and guaranteeing the loan?
- HON. BENSON O. EBANKS:** Mr. President, if the Member does not know that, then I can tell him. In the first case Government finds the money and either pays the bills when presented with them or gives the money in a block grant to the Museum. In the other case Government only expends money if the Museum does not repay the money, as and when required by the terms of the loan.
- MR. PRESIDENT:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** Do you consider that because Government does not actually advance the money, it is grounds enough for it to be disinterested in the terms of the contract, and reason enough for the contract not to be tabled in this Honourable House when it is requested?
- HON. BENSON O. EBANKS:** Mr. President, I never said that I was disinterested in it. I saw the contract at one stage. I examined it and I was satisfied with it. Now as Chairman of the Public Accounts Committee, if there is a mention in the Auditor General's Report on the Museum I would imagine that he can call for the contract and if the contract is defective he can lay it on the table, or carry it on the street, or put it on a video like he did with most of the last Report.
- MR. W. McKEEVA BUSH:** Does the Public Accounts Committee tell the Auditor General what to put in his Report?
- MR. PRESIDENT:** Excuse me. That is way beyond the original question, and I am not sure to whom it is addressed, but I would have thought it is not his responsibility. The Public Accounts Committee is not the responsibility of the Member for Education. It is the responsibility of the Chairman of the Public Accounts Committee and I think that he should be the person who should reply, if anybody, to your question ...
- MR. W. McKEEVA BUSH:** ... Mr. President ..
- MR. PRESIDENT:** ... Surely he knows what the Public Accounts Committee does? Therefore, he is in a position to reply...
- MR. W. McKEEVA BUSH:** We ... well.
- MR. PRESIDENT:** I think it would be useful if he wishes to comment on it, and then I think we should pass on because we are way beyond the original question.
- MR. W. McKEEVA BUSH:** The supplementary, Mr. President, arising out of the answer from the Member for Education.
- MR. PRESIDENT:** The supplementary, even so, goes way beyond the original mention of the Public Accounts Committee. I really think that we have gone a long way. If the Chairman would care to comment, excellent.
- MR. PRESIDENT:** The Second Elected Member for Bodden Town.
- MR. G. HAIG BODDEN:** Mr. President, the answer shows that there had been a cost over run of more than \$60,000 on this project.

I would like to ask the Member if this sum is greater than the difference between the actual contract and the next lower bidder?

HON. BENSON O. EBANKS: Mr. President, I do not know what the next lowest bid was. I do not sit on the Public Tenders Committee, nor do I sit on the Board of Trustees, or whoever grants it.

MR. G. HAIG BODDEN: Mr. President, I would like to ask the Member if he understood the significance of my question, because it is important? If the next lower bid was only \$10,000

MR. PRESIDENT: No, you are making a statement.

MR. G. HAIG BODDEN: No, no I am asking him, Sir, if he understands the significance of this question?

HON. BENSON O. EBANKS: I understood this question, Mr. President, but I would have thought that the Member would have asked if I knew the reasons for the overrun on the cost. That would have been, in my opinion, a more appropriate question.

MR. PRESIDENT: As one member of the Board of Trustees of the Museum has said that he has no objection to the House having the copy of the contract, I assume, although I cannot be certain, that with that information could come the list of bidders in response to the invitation to tender. That is the information being sought.

The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, could the Member give me the cost per square foot of the total expenditure on the renovations?

HON. BENSON O. EBANKS: No, Mr. President, because the total cost includes sidewalks, outside lighting, and similar things. So I cannot relate it to cost per square foot of building.

MR. TRUMAN M. BODDEN: Could he tell me how many square feet are in the building then?

HON. BENSON O. EBANKS: No, Sir, because there were additions during the construction and I do not even know what the square footage of the building is, that is, after they tore out certain walls and so on. I imagine it could be measured, Sir.

MR. TRUMAN M. BODDEN: Could he have it measured and let me have it in due course, Sir?

HON. BENSON O. EBANKS: Yes, Mr. President, I am sure that the architects have it down to the part of a square inch because every room in it is designed for a specific purpose.

MR. PRESIDENT: I really think that the House should pass on to the next question, unless it is something of importance.

MR. TRUMAN M. BODDEN: Yes, Sir, it is.
A substantial part of the expenditure is for architectural, administrative, quantity surveyors, engineers and electrical fees. My question is whether the Public Works Department was not able to provide these services and, if not, who dealt with these? Presumably private contractors?

HON. BENSON O. EBANKS: Mr. President, I am unable to say whether Public Works was approached on this particular one, but I seem to recall that Member, and others on the opposite side, admonishing Government during the Budget Address and in the Finance Committee to be sure to put out to contract as much work as possible so it could get done during the year.

MR. TRUMAN M. BODDEN: I ask the Member then, why has the Government not been doing that? (LAUGHTER)

MR. PRESIDENT: I do think that the House should go on to the next question. I am all for latitude, but we have a limited amount of time.
Question No. 85. The First Elected Member for Bodden Town, please.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND AGRICULTURE

NO. 85: Can the Honourable Member say what is the reason for the discontinuation of the road repair work

in Bodden Town?

ANSWER: The circumstances surrounding road repair work in Bodden Town district were publicly stated by the Chief Engineer of the Public Works Department (PWD) on 29th May, 1990, in the "Caymanian Compass". It reads as follows:

"Chief engineer, Donovan Ebanks, has clarified the Public Works Department's position on district road works. The list of priority projects in road works submitted by representatives of all districts will be partially completed by mid-year. The remainder of the outstanding projects will be put out to tender and/or still require detailed surveys and designs", said Mr. Ebanks.

He explained that the perception that road works have been suspended in Bodden Town was due to his Department's attempt to utilize resources equitably and practically, and in regard to the timing of submission of district representatives' priority lists.

Mr. Ebanks' statement providing an update on his Department's programme of road works is as follows:

"At the beginning of the year PWD resumed work in George Town on a few projects carried over from 1989 (Crewe Road and Windsor Park areas). Work also commenced in West Bay, (where very little work had been done last year,) on the Kings Road and other roads.

Due to a slight delay in receiving the complete list of priorities from the West Bay representatives, and in order to maintain a rideable surface on Beach Bay Road, which is being excavated by a private contractor, PWD moved some equipment to Bodden Town in late March.

In the meantime, the priority list for Bodden Town had been returned and PWD proceeded to attend to a number of projects from that list in the Pedro/Northward areas.

At the same time, on receipt of all other MLA's priority lists, PWD was concerned that the situation not reoccur this year where any district should suffer from lack of reasonable attention.

Accordingly, I decided last week to move some of our equipment on to North Side and then to East End to complete some of their projects by the end of June.

PWD will also be surface treating (asphalting) those roads in Bodden Town which have been prepared. In addition, some equipment will remain on the Beach Bay Road to complement the private contractor.

In so doing, we hope to partially complete each district's list of projects by mid-year. A number of outstanding projects will be put out to bid while a few others will require detailed surveys and designs."

SUPPLEMENTARIES

MR. ROY BODDEN:

Thank you, Mr. President.

With respect, then, can the Member explain why some of the equipment was moved when some projects were in the mid-construction? And secondly, was there any political significance to the move at that time?

HON. LINFORD A. PIERSON:

Mr. President, the answer to the first part of the question is, yes. Some of the projects were in the mid-construction, but various pieces of equipment were required to complete those projects. On the second part of the question regarding any political interference, I do not know if the Member is aware of any, I am not, Sir.

MR. PRESIDENT:

Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, may I ask the Member if it is correct that the procedure used in Bodden Town was totally different from the Public Works Department's standard policy of completing jobs in a district before they move on? The reason being that it is a waste of time and money to shift equipment from North Side to Bodden Town and Bodden Town to Northside; It being far more economical to complete the works in one district. So the question is, with regard to the procedure used in Bodden Town, was it unlike normal procedure?

HON. LINFORD A. PIERSON:

Mr. President, PWD has a very professional staff and the procedure which they have used in their various districts is quite consistent. But, if there are any recommendations for improving this, I am sure that the Chief Engineer and myself would be pleased to have these recommendations.

MR. G. HAIG BODDEN: Now that we know that, Mr. President, may I ask the Member if he or the Chief Engineer received any complaints about the specific road that was being repaired at that time?

HON. LINFORD A. PIERSON: Mr. President, there is hardly any day in my Portfolio when I do not receive calls of complaints about roads, including those in the Bodden Town area.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if he received a specific complaint that this road, if repaired, would buy votes for me?

HON. LINFORD A. PIERSON: Which road is he talking about, Sir?

MR. G. HAIG BODDEN: The road from which you moved the equipment.

HON. LINFORD A. PIERSON: The answer is no.

MR. PRESIDENT: And furthermore, I think that we have had enough of that line of questioning. It is imputing improper motives. I am not saying that politics are improper, mark you.

MR. G. HAIG BODDEN: We know what happened with the lady Member, Sir.

MR. PRESIDENT: Please stand, when you address the House. Shall we go on to the next question?

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 86: Can the Honourable Member say whether the Police Regulations allow for police officers to participate in business outside their normal police hours?

ANSWER: The Police Law of 1976, section 13, allows officers who have gained the prior authority of the Commissioner to participate in business outside their normal work. If they do so without permission it would contravene discipline Regulations.

There is a set procedure for applying for such permission and non-Caymanians must also obtain the necessary Gainful Occupation Licences.

SUPPLEMENTARIES

MR. ROY BODDEN: Thank you, Mr. President.
Can the Honourable Member state how many such officers have received permission for current employment?

HON. J. LEMUEL HURLSTON: Yes, Mr. President, 33 officers.

MR. ROY BODDEN: Of this number, can the Honourable Member tell the House how many are Caymanian as against foreign nationals, and what are the ranks of these officers who are foreign nationals?

HON. J. LEMUEL HURLSTON: Mr. President, the breakdown is, 32 Caymanians, one foreigner. I do not have the rank of either. But there are 32 Caymanians to one non-Caymanian.

MR. ROY BODDEN: Mr. President, I would just like to ask the Member whether this is a current figure?

HON. J. LEMUEL HURLSTON: This is a correct figure.

MR. GILBERT A. McLEAN: Mr. President, assuming that a non-Caymanian police officer is hired specifically for duty as a police officer, what would be the basis on which the Commissioner would allow a non-Caymanian officer to take up other employment in the Cayman Islands? What would be the criteria?

HON. J. LEMUEL HURLSTON: Mr. President, the criteria would be that of obtaining one in any other area for granting permission for non-Caymanians to work in the country. That is, that the Caymanian Protection Board would have to be satisfied firstly, that there were no Caymanians or others resident on the Island, available and qualified to do the work.

MR. GILBERT A. McLEAN: Mr. President, when we speak of the police participating in

business outside the normal police work, as the question is put, is the particular non-Caymanian police officer doing a job for an employer or is he carrying on a business venture?

HON. J. LEMUEL HURLSTON: Mr. President, I do not have that information, but the justification and circumstances would remain the same, regardless.

MR. GILBERT A. McLEAN: Mr. President, is the Member saying that a police officer hired here for police duties might come here and wish to start a business undertaking, and that such an application would be favourably looked upon?

HON. J. LEMUEL HURLSTON: Mr. President, what I said was that if the Caymanian Protection Board is satisfied that there are no Caymanians, or others legally resident on the Island available or willing to do a particular job, whether it is to work for an existing company or to do something else, it is in the absolute discretion of the Caymanian Protection Board and has nothing to do with the Commissioner of Police, nor the police officer. It is the granting of permission to work in the country and that permission can only be granted by the Caymanian Protection Board.

MR. GILBERT A. McLEAN: Mr. President, I understand quite clearly the latter part of the Member's statement. The point that I would ask the Member to address is whether or not the Head of the Police Department has to give his approval for a police officer to be engaged in other than the normal duties of a police officer? If that is the case what criteria exists whereby a non-Caymanian police officer would be given permission to start a business and operate a business on this Island?

HON. J. LEMUEL HURLSTON: Mr. President, I am sorry, but if I had the information I would freely offer it to the House. I do not have the information and I can not speculate hypothetically. The Commissioner would only grant permission if he was satisfied that there was no conflict. In any event his permission would be subject to the granting of the relevant Gainful Occupation Licence.

MR. GILBERT A. McLEAN: One last question, Mr. President. Would the Member undertake to get that information and, at a later date, make it available because I think it is very important to know that?

HON. J. LEMUEL HURLSTON: Yes, Mr. President, I will.

MR. PRESIDENT: Question No. 87, please. The First Elected Member from West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 87: Can the Honourable Member say whether there are any outstanding contracts which were not awarded by the Central Tender Committee?

ANSWER: Mr. President, all contracts which were not awarded by the Central Tender Committee have now been completed.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.
The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, I am wondering if the Member can give us an idea of how many contracts were involved?

HON. THOMAS C. JEFFERSON: It is an answer off the top of my head, Mr. President. I think it was either three or four.

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

MR. W. McKEEVA BUSH: Can the Member name the contracts in question?

HON. THOMAS C. JEFFERSON: The three I had in mind, Sir, were the three of International Healthcare Corporation (IHC).

MR. W. McKEEVA BUSH: Can the Member say how much these contracts were awarded for - the amounts?

HON. THOMAS C. JEFFERSON: Mr. President, I think that information was already given some

time ago. I do not happen to have it here this morning, but I will undertake to provide it in writing.

MR. PRESIDENT: I believe it must be in the records of the House from previous debates.

MR. G. HAIG BODDEN: Mr. President, if you will allow this question, were there other contracts awarded to IHC apart from these three?

HON. THOMAS C. JEFFERSON: Yes, Mr. President. The only outstanding contract is that awarded to IHC for the Dental Clinic which was for C\$70,000 or 10 per cent of the cost, whichever was the lower. This contract was awarded departmentally in accordance with the Financial and Stores Regulations, as it was under \$100,000.00.

MR. W. McKEEVA BUSH: The Member has mentioned departmental contracts. How many of these have been issued by the Health and Social Services Department?

MR. PRESIDENT: I think that is rather detailed and outside the original question, but if the Member wishes to, reply in writing.

HON. THOMAS C. JEFFERSON: If Members will accept that I will undertake to supply the answer in writing. I certainly do not have that answer this morning.

MR. W. McKEEVA BUSH: Thank you very much.

MR. PRESIDENT: Question No. 88 please.
The First Elected Member for West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION ENVIRONMENT RECREATION AND CULTURE

NO. 88: Can the Honourable Member say what progress has been made on implementing Private Member's Motion No. 15/89 which dealt with the establishment of a National Training and Education Fund?

ANSWER: Following the acceptance of this Motion, that is Private Member's Motion No. 15/89, some research has been carried out to determine what is currently being done in this area - that is the area of training.

It appears that with the present level of provision being made by both Government (including student loans through AIDB) and the private sector towards training, the establishment of a National Training and Education Fund would duplicate current provisions.

Additionally, in reviewing current training requests, it appears that any individual who is eligible and has applied for training funds, has received assistance.

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

HON. THOMAS C. JEFFERSON: Mr. President, while we are waiting to take supplementaries, may I move the suspension of Standing Order 23(7) and (8), in accordance with Standing Order 83, to allow supplementaries and other questions to be taken?

AYES.

AGREED. STANDING ORDER 23 (7) &(8) SUSPENDED.

SUPPLEMENTARIES:

MR. PRESIDENT: Please continue. Supplementaries.
The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, is the Member saying, then, that no such fund will be set up?

HON. BENSON O. EBANKS: Yes, Mr. President, that is the current position. There is no fund beyond the fund that is already in existence.

MR. G. HAIG BODDEN: Mr. President, I am asking a question. As I do not have Motion No. 15/89 in front of me I can only assume from the question that the House had accepted that a National Training and Education Fund would set up. I would like to ask the Member, since the House apparently accepted this, has

he now, on his own, gone against the wishes of the House?

MR. PRESIDENT: It is the duty of the Member asking the question to establish the basis for the question.

HON. BENSON O. EBANKS: I have the Motion, Sir, I can answer him.

MR. PRESIDENT: Good.

HON. BENSON O. EBANKS: Mr. President, for the Member's edification this is how the Motion read. I am only going to give you the resolve section. I am not going to put my time back any later than I should be tonight on the radio.

"BE IT NOW THEREFORE RESOLVED THAT the Government, in consultation with the private sector, give consideration to establishing a National Training and Education Fund and that such Fund be administered by a body to be appointed by Government;

AND BE IT NOW THEREFORE FURTHER RESOLVED THAT such Fund, if established, shall be made available to persons who wish to pursue technical and vocational training, not necessarily at the degree level, in addition to other educational fields."

Therefore, Mr. President, the answer which I gave him, that indicated Government's action, is totally in compliance with the Motion.

MR. PRESIDENT: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Thank you, Mr. President. Just for the sake of clarity, could the Member, therefore, confirm that a policy decision has been reached whereby there will not be established a training fund?

HON. BENSON O. EBANKS: That is, Mr. President, as such. It might be of interest to the Member to know that in Government's Estimates for 1990, \$1,310,783 is allocated by department sections and agencies for training. That escaped the hammer or the knife of the Backbenchers. They did not notice it, because it was broken up.

MR. W. McKEEVA BUSH: Mr. President, if it was for departments and related bodies as I thought he said, that means the Civil Service. What we were dealing with is the general public. Can he say how much money the Education Council, for instance, has out of that amount?

HON. BENSON O. EBANKS: Yes, Mr. President, I said that it was department sections and agencies. The Personnel Training Unit has \$574,180; Education Council Scholarships \$595,603; AIDB Students Loans - I do not have the figure of how much that has been granted, but I know it is granted scholarships during the year. There is \$135,000 left for scholarships to regional institutions.

In addition to this, Government makes contributions to regional and International agencies, such as Pan American Health Organization, World Health Organization and similar organizations which provide in-service training and overseas bursaries in various areas.

MR. PRESIDENT: Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Thank you, Mr. President. Firstly does the Member not agree that that large amount he quoted was indeed increased by the Backbenchers during the Finance Committee's meeting. And secondly has the public been made aware, before now, that an amount of funds are available for training in the Islands?

HON. BENSON O. EBANKS: Mr. President, the scholarship vote was not increased to the best of my knowledge. If it was increased it was increased on my Motion. I do not recall having to do that in Committee.

Furthermore, a notice appeared in the local press inviting applications for scholarships. We did not announce how much money we had to spend on it. I did not think that was necessary.

MR. W. McKEEVA BUSH: For clarity, Mr. President, can the Member give the amount for the Education Council again?

HON. BENSON O. EBANKS: \$595,603, Sir.

MR. W. McKEEVA BUSH: I am wondering if the Member could say how much of last year's vote was left?

- HON. BENSON O. EBANKS:** No, Mr. President, I do not have that figure.
- MR. W. McKEEVA BUSH:** Could the Member give an undertaking that he will give each Member a copy of that answer?
- HON. BENSON O. EBANKS:** No, problem, Mr. President.
- MR. PRESIDENT:** Perhaps, the Honourable Financial Secretary would clarify, that? I would have thought those figures are in the records of the House already, under spending on last year's Estimates. Would they not be in the records of the House, somewhere?
- HON. THOMAS C. JEFFERSON:** Mr. President, I believe that the accounts presently being audited by the Auditor General will display the figure that the Member is seeking.
- MR. PRESIDENT:** So we do not have them yet?
- HON. THOMAS C. JEFFERSON:** Well, we do have them in draft, but they are not audited.
- MR. W. McKEEVA BUSH:** So the undertaking stands?
- MR. PRESIDENT:** Oh, yes, yes. I was just inquiring for the benefit of the House, generally.
A supplementary? The Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** Mr. President, would the Member say whether or not the thrust, or the aim of this fund, was to deal with the technical and vocational training which is not fully covered under the other areas of scholarship and loans?
- HON. BENSON O. EBANKS:** No, Mr. President. I agree that the Motion covered the technical and vocational aspect, but the Education Council also grants scholarships for vocational and technical studies, as does the AIDB, Sir.
- MR. TRUMAN M. BODDEN:** Could the Member say approximately what is the percentage of money for scholarships and/or loans, or whatever he may have in relation to vocational and technical, as against other scholarships?
- HON. BENSON O. EBANKS:** No, Mr. President, I do not have a breakdown of that. But I can assure the Member that each year at its first meeting the Education Council sets aside a certain proportion of its funds for vocational and technical students. And I have never known one, as I stated, who was qualified and on Government's list of priorities who did not get it.
- MR. PRESIDENT:** The First Elected Member for West Bay. Question No. 89, please.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION ENVIRONMENT RECREATION AND CULTURE

- NO. 89:** Can the Honourable Member say what action has been taken in relation to Private Member's Motion No. 9/88, particularly with regard to the resolutions 2, 3 and 4 contained therein which state that Government:
- "(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?"

- ANSWER:** (2) As the Member may be aware, much activity continues in the area of research into, and collection of, local historical materials.

The Archivist continues to amass materials locally, and his prospective replacement, a person of Caymanian Status, is engaged in related research while on training in the United Kingdom.

The Memory Bank project has unfortunately not proceeded at the pace we had hoped, over the past few months. Nevertheless, about 30 tapes of interviews have been made, several of which have been transcribed. Some of the materials collected are already being made use of, notably in the form of advice to the Cayman National Choir re Caymanian Folk songs. (A decision has now been taken by the National Trust to employ a full-time coordinator for the project, which should help it to regain some impetus.)

Encouraged by these developments, we are now hopeful that we will be in a position to commission the writing of such a history within the next year, or so.

(3) Similarly, as I advised in the September, 1989, Meeting, there has still been no comprehensive overhaul of the syllabus on the history of the Cayman Islands as taught in our school system. However, I would remind Members that even though there is much local content already, the Social Studies' (encompassing history and geography) syllabi will be among those examined in the course of the education review currently underway.

I am pleased to advise, however, that the first printing of the primary schools' text, THE CAYMAN ISLANDS, has now been received and is already being used to a limited extent. It should come into use fully in September of this year at the upper end of that level of the system.

(4) The relevant committee of Education Council has now made a detailed set of recommendations re guidelines or criteria to be utilised in the consideration of scholarship applications. The Education Council should shortly be in a position to review these recommendations. Following this, the Council should have an opportunity to turn its attention to the matter of the "Cayman Scholarship".

Additionally, Mr. President, I can say that a sub-committee of the Education Council was set up some months ago to deal with this; that is the Cayman Scholarship.

MR. PRESIDENT:
time. (PAUSE)

Are there any supplementaries? It is a long answer so I will give

for East End, please.

In that case we will go to Question No. 90. The Elected Member

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATION WORKS AND AGRICULTURE

NO. 90: Can the Honourable Member say what progress, if any, has Government made with regard to securing the services of a dredge to clear and mark channels around the Islands?

ANSWER: A general survey has been completed summarising the required channel works that are to be done on Grand Cayman and Cayman Brac.

A Technical Committee has been appointed to prepare the necessary terms of reference. This Committee is comprised of the following members:

Captain Ned Miller, Port Authority
Mr. Phillip Bush, Natural Resources
Mr. Scott Slaybaugh, Natural Resources
Mrs. Gwynne K. Ebanks-Thompson, Portfolio, EERC.

Once this Committee establishes the Terms of Reference it will then be passed on to the Public Tender Committee.

In accordance with the Financial and Stores Regulations, these works will be put out to tender; bids accepted and the contract awarded by the Public Tender's Committee.

Local companies have been contacted regarding these works, but either they do not have the available resources to undertake these works or are otherwise committed to their own projects.

A dredging company in Tampa has been contacted and will be visiting the Islands shortly to conduct its own site surveys. This company will be invited to tender for the contract to carry out these channel works.

SUPPLEMENTARIES:

MR. PRESIDENT:

Supplementaries.
The Elected Member for East End.

MR. JOHN B. McLEAN:

Mr. President, I wonder if the Member would be in a position to say how soon the Terms of Reference will be completed?

HON. LINFORD A. PIERSON:

Mr. President, the Terms of Reference should soon be completed as members of the staff are now working at these.

MR. JOHN B. McLEAN:

Mr. President, taking into consideration the dangers of using channels in the night, I wonder if the Member could say if there is any way of urgently placing some lights or markers on certain channels throughout the Island?

HON. LINFORD A. PIERSON:

Mr. President, at present the Portfolio is in the process of securing a boat and the services to put in temporary markers. Many markers that we previously had were destroyed, but we are replacing them.

MR. PRESIDENT:

Third Elected Member for George Town.

MR. TRUMAN M. BODDEN:

Mr. President, it appears - and I am asking for clarification on this point - that invitation to tender has been given to one dredging company in Tampa. My question is whether, in the spirit of competitiveness to obtain low bids, other United States' firms in this business should not also be invited to survey and tender?

HON. LINFORD A. PIERSON:

Mr. President, I thought I had covered that in the substantive answer. These works will indeed be put out to tender. There are no local individuals able or willing to carry out this work, and we will not just be selecting any one individual. The work will be put out to tender.

MR. PRESIDENT:

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, may I ask the Member why the Technical Committee is taking so long to prepare the Terms of Reference, since the financial year is about half gone?

HON. LINFORD A. PIERSON:

Mr. President, as the Member is perhaps aware, the Budget was not fully approved until around March or April. But the direct answer to his supplementary is that it has taken this long, due to the work load of the Committee members and delays in communications with the dredging companies. There has been an extended period of time for commencement of these works.

MR. PRESIDENT:

The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN:

Thank you, Mr. President. Could the Member say if the contemplated works have taken into account the removal of the coral heads in the South Side channel in Cayman Brac? That has been requested for a very long time.

HON. LINFORD A. PIERSON:

Mr. President, it might be helpful to Members if I give a list of the channels that are scheduled to be cleared which includes:

Ironshore Flats
Pease Bay Channel
Spotts Channel
South Sound Channel
West End Channel

North Side;
Bodden Town;
Spotts;
South Sound; and
Cayman Brac.

These Channels in addition to others will also be marked properly.

MR. TRUMAN M. BODDEN:

Mr. President, following the answer to my supplementary about this dredging company in Tampa. In the spirit of competitiveness, has the Member, or the Portfolio, contacted any other foreign dredging companies to do this work? It appears to have been done even before the Technical Committee actually got its Terms of Reference prepared.

HON. LINFORD A. PIERSON:

Mr. President, the purpose of contacting the company was to allow the Portfolio to have, at its disposal, needed technical advice - even in preparing the Terms of Reference as the technical advice and professionalism is not readily available in the Island.

MR. PRESIDENT:

The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN:

Mr. President, to the Member.

which may also be able to give competitive bids?
 competing companies. Surely, that will not preclude going to other United States' firms
 Because the idea here is to get the lowest bidder out of several

HON. LINFORD A. PIERSON:
 follow.

Mr. President, this is precisely the procedure we intend to

MR. PRESIDENT:

The Elected Member from East End.

MR. JOHN B. McLEAN:
 the company contacted in Tampa?

Mr. President, I wonder if the Member could tell us the name of

HON. LINFORD A. PIERSON:
 they have also bought out Misoner Marine.

The company's name is Henry Dredging, and I understand that

MR. PRESIDENT:

The First Elected Member for Cayman Brac and Little Cayman.

CAPT. MABRY S. KIRKCONNELL:
 whether the use of a suction dredge or a bucket dredge is being contemplated? Or has that not been determined
 at this time?

Mr. President, I wonder if the Honourable Member could tell us

HON. LINFORD A. PIERSON:

No, Mr. President, those details have not yet been determined.

MR. PRESIDENT:

Question No. 91 please. The Elected Member for East End.

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

NO. 91: Can the Honourable Member say how many work permits have been issued since January
 1990, giving the nationality of persons to whom these have been granted?

ANSWER: During the period 1st January, 1990, to the 6th June, 1990, a total of 930 regular Gainful
 Occupation Licences have been issued. The nationalities to whom these have been issued
 are as follows:

**GAINFUL OCCUPATION LICENCES
 ISSUED 1 JANUARY THROUGH 6 JUNE 1990
 BY COUNTRY OF HOLDER**

1)	UNITED STATES OF AMERICA	268
2)	JAMAICA	177
3)	UNITED KINGDOM AND EIRE	168
4)	CANADA	99
5)	HONDURAS	31
6)	PHILLIPINES	31
7)	AUSTRIA	17
8)	COLUMBIA	16
9)	GERMANY	13
10)	SWITZERLAND	11
11)	GUYANA	9
12)	NICARAGUA	9
13)	ITALY	8
14)	NEW ZEALAND	8
15)	BAHAMAS	7
16)	TRINIDAD & TOBAGO	6
17)	COSTA RICA	5
18)	FRANCE	4
19)	INDIA	4
20)	PERU	4
21)	SOUTH AFRICA	4
22)	BARBADOS	3
23)	BRAZIL	3
24)	HOLLAND	3
25)	DENMARK	2
26)	DOMINICAN REPUBLIC	2
27)	AUSTRALIA	1
28)	ARGENTINA	1

29)	BELIZE	1
30)	CUBA	1
31)	CHILE	1
32)	EGYPT	1
33)	FINLAND	1
34)	LEBANON	1
35)	MEXICO	1
36)	MALAYSIA	1
37)	PAKISTAN	1
38)	PARAGUAY	1
39)	PANAMA	1
40)	SRI LANKA	1
41)	THAILAND	1
42)	VENEZUELA	1
43)	ST. VINCENT	1
44)	ZIMBABWE	1
	TOTAL	930
		===

In addition, a total of 421 single-term permits have been issued to those falling into the category restricted by Directive 1(c) of the directions to the Caymanian Protection Board.

A breakdown of the nationalities to whom single-term permits have been issued is:

**GAINFUL OCCUPATION LICENCES
ISSUED 1 JANUARY THROUGH 6 JANUARY 1990
UNDER DIRECTIVE 1(C)
BY COUNTRY OF HOLDER**

1)	JAMAICA	344
2)	HONDURAS	42
3)	COSTA RICA	25
4)	DOMINICAN REPUBLIC	4
5)	BELIZE	1
6)	BARBADOS	1
7)	HAITI	1
8)	NICARAGUA	1
9)	SAINT LUCIA	1
10)	TRINIDAD & TOBAGO	1
	TOTAL:	421
		===

SUPPLEMENTARIES

MR. PRESIDENT: Supplementaries.

MR. JOHN B. McLEAN: Mr. President, I dare say this is a frightening situation. I wonder if the Member is in a position to give a comparison of figures for the same period in 1989?

HON. J. LEMUEL HURLSTON: No, Mr. President, I am unable to but these statistics are published on a quarterly basis so that the Members and the public can see the trend and growth in the total number of permits on a quarterly basis.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member would undertake to let me have it in writing please?

HON. J. LEMUEL HURLSTON: I will be happy to do that, Sir.

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

MR. TRUMAN M. BODDEN: Mr. President, would the Member say whether these fall within the quota as originally set, or whether they are excesses?

HON. J. LEMUEL HURLSTON: Mr. President, I broke them down into two major categories so

that the House could see the distinction between those that are regulated by a form of a quota, vis a vis those that are not regulated in any quota fashion. The total is 930 regular permits not restricted by any type of quota, and 421 that are regulated in a type of quota procedure.

MR. TRUMAN M. BODDEN: Mr. President, to the Member.
Is there not a quota for the regular work permits?

HON. J. LEMUEL HURLSTON: No, Mr. President, there is no quota.

MR. PRESIDENT: The House seems slightly mystified by the last reply. Perhaps the Honourable Administrative Secretary would care to expand on the situation?

HON. J. LEMUEL HURLSTON: Mr. President, the current policy operates on the basis of demand. The procedure of using quotas was abandoned probably in 1984 or 1985. It has been five years or more since we had the general application of quotas, generally. We reinstated certain restrictions in 1987, but those restrictions are not applicable to the general population. They are applicable to a specific area.

MR. TRUMAN M. BODDEN: Mr. President, for further clarification. What are the directives that one relates to when a certain amount of permits are issued in one geographic area and they are filled so that one has to move on to other geographic areas, what is that called?

HON. J. LEMUEL HURLSTON: Precisely, Mr. President. Those are the Directives that were issued in 1987, and they establish a form of the quota, but it is not a general quota. What it says is that whenever permits issued to one geographical area exceeds the next largest area by more than 20 per cent, then that particular area becomes known as a restricted area. At the moment we have one such restricted area, and within that area the 421 permits were granted. In addition to that, 930 regular non-quota restricted permits have been granted.

MR. PRESIDENT: The next question please. The Elected Member for East End.
Question No. 92.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 92: Can the Honourable Member say what progress, if any, has been made with regard to the purchase of the ambulance for the Eastern Districts?

ANSWER: An order was placed in March 1990 through the Central Funding Scheme. The scheduled date of delivery is the end of September, 1990.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.
The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, I would like to ask the Member if provisions are being made to properly house the ambulance when it arrives?

HON. D. EZZARD MILLER: Yes, Mr. President. The staffing considerations and physical accommodation are under current revue.

MR. PRESIDENT: The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, to the Member.
Is there hope then that when the ambulance arrives it will go straight into service?

HON. D. EZZARD MILLER: Yes, Mr. President, that is the hope. But, I would alert Members that the recruitment of staff is a particular problem.

MR. PRESIDENT: Proceedings are suspended for 15 minutes.

AT 11:28 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 12:18 A.M.

MR. PRESIDENT:

Proceedings are resumed with Questions continuing.
Question No. 93. The Third Elected Member for George Town,

please.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION ENVIRONMENT RECREATION AND CULTURE

NO. 93: Would the Honourable Member say what progress has been made to date with the education study underway?

ANSWER: During the first part of this phase the Education Sector Review Consultant and the Cayman Islands Consultants carried out a programme of consultations and visits between 13th January and 9th February. The Sector Review Consultant also had a series of meetings and consultations with the Caribbean Regional representative of UNDP and senior members of staff of the University of the West Indies in Jamaica.

The second part of the enquiry was held from 2nd April to 9th April and was carried out by the specialist consultant and the two Cayman Islands Consultants.

An Interim Report pertaining to the programme of visits and consultations carried out during January and February was received by the Portfolio in April. It incorporates written reports by the Sector Review Consultants and the Cayman Islands Consultants. A further Interim Report will be made by the specialist consultant at the end of this month.

The two external consultants will return to the Island on the 18th and 22nd June, respectively, when Phase II of the consultants will get underway.

An Executive Summary has been provided under confidential cover to Members of this Honourable House.

And, Mr. President, in order that we do not get a supplementary, I would just like to point out that the Executive Summary was not received at the time of the original Interim Report. That came in during the course of last week, and I would like to point out that it is under confidential cover at the request of the Consultants.

SUPPLEMENTARIES:

MR. PRESIDENT:

Supplementaries.
The Third Elected Member for George town.

MR. TRUMAN M. BODDEN:

Mr. President, I want to thank the Member for sending this summary which I have just recently received. Could I ask whether he would be letting us have, under the confidential cover, the Interim Report itself, as I understand there is an executive summary of the Interim Report?

HON. BENSON O. EBANKS:

Mr. President, my understanding at the moment is that when the consultant forwarded the Interim Report, which was confidential, indicated that he would forward an executive summary of the Report for distribution to people who should see it, under confidential cover. In other words much of this Report is basically findings and accounts of interviews which he had and so on. No decisions or recommendations have been made, so you will see that is why the nature of the first report.

MR. PRESIDENT:

There appear to be no further supplementaries on this question?
Question No. 94, please. The Third Elected Member for George

Town.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION ENVIRONMENT RECREATION AND CULTURE

NO. 94: Will the Honourable Member undertake to ensure that the necessary school books, supplies and equipment are ordered and available in time for the new school year in September?

ANSWER:

The Education Department provides both guidelines and deadlines for the submission of orders and/or requests for books, supplies and equipment from schools within the system.

Once these orders have been received by the Education Department they are processed as expeditiously as possible.

I can offer no guarantee as to their early arrival as this aspect is governed by factors beyond my control.

Furthermore, neither the Education Department nor the Portfolio can be held responsible for any failure by the schools to comply with the deadlines set by the department, or for any delays in supply caused by the suppliers themselves, or delay in shipment.

SUPPLEMENTARIES:

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

MR. TRUMAN M. BODDEN: Mr. President, to the Member.
Do you understand that these schools are your Government schools and do you have some system to make sure that their orders are placed in time to get these books, so that what happened in the past few years is not repeated.

HON. BENSON O. EBANKS: Mr. President, the Member should be well aware of the system that is in place because I believe it is the one that has been used for quite a while.
I pointed out that the Education Department does all it can to insist that the schools send in their orders. The system is that it is sent to the Education Department first of all. The school sends it to the suppliers, who in turn send a pro forma invoice which is given to the Department for payment, to go over the order, and the order is sent off. Because it is a bit cumbersome, the Education Department asks that this be done early, in fact as soon as the money is cleared in March or April, whenever the Budget is done. But, as the answer implies, we cannot prevent the delays that are sometimes caused by suppliers themselves, or if a shipment gets lost, or they send it by boat instead of air.

Nevertheless, I can give the Member an assurance that this is also one of the areas that is being looked at in this Educational Sector Review to see if we cannot get a little less bureaucracy into the system. But, of course, we are subject to the Finance and Stores Regulations and everything else, so I cannot promise anything this September. I will try.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Mr. President.
I was going to ask the honourable Member a question which I believe he partially answered, but I will ask it anyway. The question is, has any consideration been given to putting these supplies out to private tender? Because from my experience, I believe the system worked rather efficiently when I was in the service.

HON. BENSON O. EBANKS: There is no restriction on the examination which the Consultants will be able to give to this subject, Sir. I am sure all aspects of it will be examined and hopefully, the best possible solution arrived at. I would hope that there are teachers within the system who know of the system that was used at one time. If not, I would certainly contact the Member to see if he can give us some information on how it went, so that the consultants can be aware of that system as well.

MR. PRESIDENT: Question No. 95, please.
The Second Elected Member for Cayman Brac and Little Cayman.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 95: Would the Honourable Member say what has become of the Shorts aircraft, owned by Cayman Airways Limited, previously used on the Inter-island route?

ANSWER: The Shorts aircraft owned by Cayman Airways is presently parked at Owen Roberts International Airport awaiting sale. The aircraft has been advertised in various publications and the company is actively pursuing its sale.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

MR. GILBERT A. McLEAN: Would the Member say if he is receiving any inquiries about the aircraft and if he has quoted a price for its sale?

HON. W. NORMAN BODDEN: Yes, Mr. President, the company has received four inquiries and

one team has actually visited to inspect the aircraft. They were given the price that the company is asking for the aircraft.

MR. GILBERT A. McLEAN: Mr. President, would the Member state whether there is any intention of putting the aircraft back into the Inter-island service in the event it is not sold?

HON. W. NORMAN BODDEN: Not at this stage, Mr. President. No consideration is being given to that.

MR. GILBERT A. McLEAN: Mr. President, would the Member say if the aircraft is presently being maintained in a way to retain its present value?

HON. W. NORMAN BODDEN: To the best of my knowledge, Mr. President, the aircraft is being maintained so that its air worthiness is kept intact.

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

MR. G. HAIG BODDEN: Mr. President, I just wanted to ask if the aircraft is stored in a hangar, or is it left out in the open air?

HON. W. NORMAN BODDEN: Mr. President, we do not have any hangar space at the airport, in which this aircraft can be accommodated. It is parked out in the open.

MR. GILBERT A. McLEAN: Mr. President, a supplementary.
Could the Member say whether the price being asked for the aircraft at this time is anywhere in the vicinity of what was paid for it by Cayman Airways?

HON. W. NORMAN BODDEN: The price, Mr. President, that is being asked is slightly higher than was originally paid for the aircraft. I should add to that, that actually it probably would be about the same to a certain extent, because the price that is being asked includes the spares as well, and I think there is a slight differential in the price - slightly higher than was originally paid.

MR. PRESIDENT: We move to Question No. 96. The Second Elected Member for Cayman Brac and Little Cayman.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 96: Would the Honourable Member say what has been the lease and purchase cost to Cayman Airways Limited from 1st September, 1989, to 31st May, 1990, on its aircraft equipment compared to the same period earlier; and give the airline passenger loads in numbers and revenue during the same two periods?

ANSWER: The information is as follows:

	1st Sept, 1989 to 31st May, 1990 to	1st Sept, 1988 to 31st May, 1989
Lease Payments	US\$ 4,951,125	US\$ 1,955,125
Passengers	254,859	276,352
Passenger Revenue	US\$25,622,334	US\$25,107,171

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

MR. GILBERT A. McLEAN: Could the Member give any indication as to why the passenger loads, or the numbers, are less during the period 1st September, 1989, to 31 May, 1990, than the numbers in the previous year?

HON. W. NORMAN BODDEN: Yes, Mr. President. We attribute the difference in the actual total number of passengers carried to the increased competition from United States' carriers during this particular period of time. The Member will note that even though the number of passengers transported was less during this period, the passenger revenue itself was up by some \$500,000 over the same period a year ago.

MR. GILBERT A. McLEAN: Mr. President, would that increase in revenue be due to the fact that the cost of travel has been increased?

HON. W. NORMAN BODDEN: In a very small respect, Mr. President. I think the difference accounted therefore is because of a better pro-rate on the inter-line fares which Cayman Airways has been able to negotiate with other United States carriers.

MR. PRESIDENT: Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, could the Member say, if he has the figures, what the cost of fuel was for those two periods?

HON. W. NORMAN BODDEN: I am sorry, I do not have that figure with me. Based on the information that I previously had from the company the cost of fuel for the 737, would be some 40 per cent less than what the 727 would have used during the same period.

MR. TRUMAN M. BODDEN: I wonder if maybe the Member could get the actual figures at some stage and let us have them?

HON. W. NORMAN BODDEN: Certainly, Mr. President, I would be pleased to do that.

MR. PRESIDENT: No more supplementaries?
In that case we will move to the last question on today's Order Paper, Question No. 97. The Second Elected Member for Cayman Brac and Little Cayman.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 97: Would the Honourable Member say what has been the result of the Internal Auditor's investigation into the non-compliance by the Government of the Financial and Stores Regulations in the award of the contract for the Hospital and Health Care Study to International HealthCare Corporation?

ANSWER: Mr. President, in replying it is assumed that the reference in the Member's question to Internal Auditor should instead be to the Auditor General.

The Auditor General, who is independent of the Government and not subject to the direction or control of any other person or authority, has indicated to me that he has undertaken a review of the contracting procedures followed in awarding contracts to International HealthCare Corporation. His Report will become a public document when it is laid on the Table of this Honourable House, together with Government's 1989 Accounts and the Public Accounts Committee's Report on these accounts, hopefully in September.

In addition to the above, and purely for the information of Members, I can confirm that Government is looking at the ways in which contracts to consultants are awarded with a view to issuing some practical guidance to departments on the best ways in which to engage a consultant.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

MR. GILBERT A. McLEAN: Mr. President, could the Member say that, if the findings of the Auditor General are such that they show negligence in any way, steps will be taken for punitive action in the particular case?

MR. PRESIDENT: I think that is a hypothetical question.

MR. GILBERT A. McLEAN: I was simply asking, Mr. President, if such had occurred, or should it be found. But I bow to your ruling.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you Mr. President.
I would like to ask the Honourable First Official Member, if there was a specific incident, or incidents, which prompted this particular investigation?

HON. THOMAS C. JEFFERSON: Mr. President, I am not sure that I can answer that question. I think that the Auditor General has the right to act on his own, based on any information that comes to him and,

whether in his discretion he should look at the procedure.

MR. PRESIDENT: This may be a convenient time to take the lunch break, unless there are any more supplementaries.

The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Just one, Sir.
Would the Honourable Member say whether he hopes to get these guidelines in place prior to any other large consultant contracts being awarded?

HON. THOMAS C. JEFFERSON: Mr. President, it is presently being considered. I really cannot say that it will be in place before another substantial contract for consultants is awarded, because I do not know what the present procedure is in respect of Portfolios in regard to the possibility of issuing a major contract to a consultant. But we are making haste, Mr. President.

MR. W. McKEEVA BUSH: I do not know whether the Honourable Member can answer this question, but, does he believe we will ever get rid of these International HealthCare people?

MR. PRESIDENT: I could not hear that question properly. It did not appear to be a question in the usual sense. Would you wish to repeat it?
Proceedings are suspended until 2:15 p.m.

AT 12:44 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:27 P.M.

MR. PRESIDENT: Proceedings of the House are resumed.

GOVERNMENT BUSINESS

GOVERNMENT MOTIONS

AMENDED MOTION AS AMENDED REPORT OF THE STANDING SELECT COMMITTEE ON STANDING ORDERS

MR. PRESIDENT: Item 3, Government Business.
The debate continues on the amended Motion in reference to Standing Order 72(5) in relation to the Report on the Standing Select Committee on Standing Orders.
The Honourable Member for Education continuing.

HON. BENSON O. EBANKS: Thank you Mr. President.
When we took the adjournment yesterday I was making the point that political stability is a paramount requirement for the continued prosperity of these Islands. I made the point that in my view this political stability is dependent, to a large degree, on our association with the United Kingdom. However, it is not the only ingredient of our stability. If the Government of these Islands is seen as being disorderly, disruptive and quarrelsome, our stability is brought into question.

I have had many foreign and local businessmen doing business here, contact me over the past several months asking what is happening in these Islands and that they are becoming worried about what is taking place presently. This worries me because as I said yesterday, foreign companies and banks can flee this country overnight.

I believe that it behooves each Member of this Assembly to endeavour, at all times, to conduct ourselves in such a way as to convey to everyone, Caymanian and expatriate alike, that we are responsible and trustworthy; and that we put country above self-aggrandizement and political advantage. Unfortunately that has been the exception rather than the rule of late, especially with those whom I call the renegade Backbenchers.

Yesterday, I pointed out that according to our Standing Orders, the rules by which this Assembly and its Committees are supposed to operate, Government Members only are permitted to increase any item, sub-Head, or Head, within the Budget when it is being examined in Finance Committee and that can only be done with the permission of the Governor in Council. Other Members can move Motions to reduce an item, sub-Head or Head under certain circumstances, but that attempt can only be successful if the Members of Executive Council accept it.

For clarity's sake, I wish to restate the two principle Standing Orders which make what I have just said, abundantly clear. Standing Order 65(1) reads:

"65(1) Except upon the recommendation of the Governor to be signified by the Chairman or any Member of the Government and recorded in the minutes of proceedings, the Finance Committee shall not proceed upon any amendment which in the opinion of the Chairman increases the sum allotted to any head of expenditure whether in respect of any item or sub-head or of the head itself; ...".

And it goes on to give the form which that Motion should take.

It is abundantly clear that an amendment to increase any item, sub-Head or Head in the Budget can only be made by a Member of Executive Council, and only with the signification that it has been recommended by his Excellency the Governor.

Standing Order 64 (6) reads:

"64(6) No amendment may be moved to any clause except an amendment consequential on an alteration in the total sum appropriated by any schedule. Any such consequential amendment shall be moved by the Chairman or any Member of the Government only and may be moved without notice, and the question thereon shall be put forthwith without amendment or debate."

It is also abundantly clear that in the final analysis only a Member of Executive Council, which, of course, includes the Financial Secretary as Chairman, can move to change the total sum of any schedule consequential upon an alteration to the total sum appropriated by any schedule.

Here it is important that I point out that these Standing Orders follow the practice in the Mother Parliament, in the House of Commons. If we go to Erskine May, the ultimate authority on Parliamentary procedure, we will find that these same conditions apply in the House of Commons. Erskine May points out and here I quote under the heading 'Financial Procedures':

"The Crown, therefore, acting with the advice of its responsible ministers, makes known to the Commons the financial requirements of the government; the Commons, in return, grant such aids or supplies as are required to satisfy these demands; and they provide by taxes, and by the appropriation of other sources of the public income, the ways and means to meet the supplies which they have granted."

Thus the Crown demands money, the Commons grant it, and the Lords assent to the grant, but the Commons do not vote money unless it is required by the Crown, nor do they impose or augment taxes, unless such taxation is necessary for the public service as declared by the Crown through its Constitutional Ministers.

At another place in Erskine May, it says that a charge cannot be taken into consideration unless it is demanded by the Crown or recommended from the Crown.

Another very important point as stated in Erskine May, is under the heading, 'Enforcement of Financial Procedure'. Here I quote:

"The rules of financial procedure, whether based on practice or upon the Standing Orders, are strictly observed by the House of Commons; and any disregard of them would now only be due to misunderstanding of their applicability in a particular case, or to inadvertence. Questions of interpretation are decided by the Speaker, or if they arise in Committee, by the Chairman. In discharging its duty of disallowing any proceedings which would infringe the rules of financial procedure, the Chair relies in the last resort upon its power to decline to propose the necessary questions."

Therefore it is the duty of the Chair, if any motion is offered to be moved, but fails to receive the Crown's recommendation, to announce that no question can be proposed on the Motion." So, Mr. President, it is clear that our Standing Orders follow the practice in the House of Commons as nearly as possible.

MR. TRUMAN M. BODDEN:
and the authority on that?

Mr. President, I wonder if the Member would just give the pages

HON. BENSON O. EBANKS:
it.

Mr. Chairman, it is in Erskine May, 21st Edition. He can look for

It must also be evident to all, that divvying up of funds in the Finance Committee by coercion last December was not according to Parliamentary practice. If Members of Finance Committee other than Executive Council Members, felt that some of Government's projects were wrong, or ill chosen, then they had every right ...

MR. G. HAIG BODDEN:

Just on one point, Mr. President.

MR. PRESIDENT:

Is it a Point of Order?

- MR. G. HAIG BODDEN:** Well, yes, in that he is telling us about Erksine May. But I have the latest 21st Edition and he seems to be reading from a more ancient copy. Do you have the 21st Edition? All right. Is it page 684?
- HON. BENSON O. EBANKS:** Mr. President, I tell will him the same as I told the last Member - look for it. I gave him the heading.
- MR. PRESIDENT:** I do not think this is a Point of Order. But there seems to be sufficient identification.
- HON. BENSON O. EBANKS:** I was saying, Mr. President, that it must also be evident to all that the divvying up of funds in Finance Committee by coercion, last December was not according to Parliamentary practice.
- If Members of Finance Committee other than Executive Council Members felt that some of Government's projects were wrong or ill-chosen, then they had every right not to vote the money, and they would have fulfilled their duty. But they did not have the authority to redistribute that money to their pet projects.
- If, as I said, they disagreed with Government policies as represented by the Budget presented, they should have refused to vote the money. That is their right. But the resulting savings should have gone back to surplus or other priority projects of Government which, as I said yesterday, had to be cut by Executive Council Members and Heads of Departments during the Budget preparation stage. It should not have been used for Members' pet projects.
- Hence the reason, for Government Motion No. 3/90, which is no more or less than an attempt by Government to bring some sanity and order back to proceedings of Finance Committee which, after all, is an important part of Government.
- In this connection the Government considered it had three options. One, was to resign and cause a general election to be called. We considered this course, but concluded that the general public did not want an election at that time. In fact we were convinced by the public that to do so would be damaging to the country's image, and that this would have been the cowardly way out.
- The second option, was to bring a motion to reconstitute the Finance Committee as recommended by the Constitutional Commissioner, Lord Oxford and Asquith, in 1972. That is to reconstitute the Finance Committee which he described with 12 Members as being large and unwieldy, and the recommendation that it be comprised of the four Elected Members of Executive Council, with the Financial Secretary sitting as Chairman, and three other Members only.
- We considered this and concluded that that was less acceptable than the third option which is the one that we followed with Government Motion No. 3/90.
- MR. W. McKEEVA BUSH:** I wonder if the Member would give way, Mr. President?
- HON. BENSON O. EBANKS:** Mr. President...
- MR. W. McKEEVA BUSH:** ...on a matter of information to the House.
- HON. BENSON O. EBANKS:** Mr. President, this is perhaps the place to comment on the charges made that this Motion has been prompted as the result of the Bodden Town by-election. I can assure you, Sir, that the outcome of the Bodden Town by-election had and has absolutely nothing to do with this Motion.
- MR. ROY BODDEN:** Mr. President, is the Member reading his speech, Sir?
- HON. BENSON O. EBANKS:** In fact, Mr. President,
- MR. PRESIDENT:** Perhaps I can comment on that. It is perfectly clear that the Member is reading parts of his speech. But this is not unusual in the House, and I have not called it to attention before.
- HON. BENSON O. EBANKS:** Mr. President, they would be a lot worse off if I threw down these notes and spoke from the heart, Sir.
- MR. G HAIG. BODDEN:** (LAUGHTER) You mean if you stop reading what somebody else has written.
- HON. BENSON O. EBANKS:** Mr. President, I am coming to the part that I have on him now. He must have read these notes. (LAUGHTER)
- MR. G. HAIG BODDEN:** I think they got on your candidate.
- MR. PRESIDENT:** There is no harm, indeed there is good precedent in interjections in debate, but I must ask Members please not to use the microphones unless you are standing up. That I think is reasonable.

HON. BENSON O. EBANKS:

I said, Mr. President, I assure you, that the outcome of the Bodden Town by-election had and has absolutely nothing to do with Government Motion No. 3/90. In fact the Motion would have been circulated much earlier, but, for the fact, we did not want the Motion to become an issue in the Bodden Town by-election.

However, we were careful to deliver the Motion to the Clerk of the Assembly at 4:45 p.m. on the day of the Bodden Town by-election (LAUGHTER) and to give the news release to Radio Cayman for release on its 7:00 o'clock news that evening before the first vote was counted in the Bodden Town by-election.

So, any claim that this Motion is prompted by the results of the Bodden Town by-election, is certainly false. But I have been around these people long enough and we anticipated what their claim would be, so that is why we put it in at 4:45 p.m. that evening and announced it on the 7:00 o'clock news before any votes were counted.

I would have thought that, instead of the Second Elected Member for Bodden Town claiming that we had brought this Motion because he was successful at the polls, he would have tried to shed the image of a warrior which was put on him, or which he put on himself during the campaign and said that since he was elected we now had no need for this Motion and that he was a stable, peace-loving, God-fearing man, and would bring peace and tranquility to this House. Instead, he continues to burnish the image of a warrior. I just want to assure him that if he wants a war, he can have it.

Much has been said about the position that exists in this House where Government finds itself out-voted sometimes. But this is not a new problem, or one which was not foreseen.

Lord Oxford and Asquith, the Constitutional Commissioner, at page 11, chapter 25, iii, said in part:

"Constitutional arrangements should take account of this so that the passage of such legislation may be eased or at any rate not rendered impossible. It would help if the convention were to be established that a measure decided upon in Executive Council must normally be supported in the Legislature by all Members of the Council unless they prefer to resign or be dismissed. In modern Cabinet Government this convention is a common place. In the Cayman Islands it is not yet fully accepted or understood although it is all the more important inasmuch as the preponderance of elected Members could mean that there was always a potential "Opposition" majority in the Legislative Assembly."

This is an observation made in respect of the absence of political parties in the Cayman Islands. And on page 14 of the same document, Lord Oxford and Asquith had this to say:

"In all modern systems of Government other than the wholly autocratic forms the principle of collective responsibility is an important one. The need to establish this principle in the Cayman Islands has been mentioned in paragraph 25, iii, of Chapter 3. (The portion I just read.)

If in the Legislature, Government could count on the collective support of all Members of the Executive Council for a measure decided in that Council, it would still not be assured of a majority unless the Administer, (which should read Governor now) when presiding had both an original and a casting vote which I am reluctant to recommend."

and he did not recommend, Mr. President.

"It could, however, be sure of seven votes out of a total of 15. And one might hope that in these circumstances the use of the Governor's reserved power would hardly ever be necessary. If the convention of collective responsibility were established, an elected Member of the Executive Council who felt unable to support the Council's decisions would no doubt feel obliged to resign; but if he failed to do so, the sanction of dismissal by the Governor (analogous to a Prime Minister's power to dismiss his Ministers) would seem a logical one."

And this is very interesting:

"It is reasonable, at the same time, that an elected Member of the Executive Council, who adhered to the convention and supported his Council's decision, should not be liable to dismissal by the vote (exclusively) of persons who were not Members of the Council."

He went on to suggest a three-quarters vote of the elected Members of Council to dismiss an elected Member of Executive Council instead of the two-thirds vote which the Constitution finally settled on.

So, it can readily be seen that from day one it was seen that these situations could arise. Our proposal now is to try to establish a position where, in Finance Committee, Government could rely on seven out of 15 votes. Not a clear majority, Mr. President, but a more acceptable ratio.

I repeat, that with this change Government would still not have a

majority in Finance Committee - only seven out of 15 or a seven to eight vote, and we would always need at least one from the opposite side to carry our policies.

Here it is important to return to all that was said by the Resource Speakers on the question of Finance Committee at the recent Commonwealth Parliamentary Seminar. They were all speaking of countries with a party system where the Government always has a majority of Members and of countries where there are no Official Members. After all, that is how Governments are formed in those countries.

The leader of the party with the largest number of Members is called upon by the Governor, or Governor General, or in the case of the United Kingdom by her Majesty the Queen, to form the Government. The leader of the party then chooses his Ministers and that party becomes the Government. All other Members are termed the Opposition. So there is no question that the Government always has a majority and only elected Members sit both in the House and in Finance Committee.

But as I pointed out on Monday, it is also common-place for appointed Members of the Senate, or House of Lords in the case of the United Kingdom, to be appointed Ministers of Government where they sit in the Cabinet and where the budget or request for funds for the Government of the country is decided in the first place.

There in the Cabinet they have the same rights and privileges as an elected Minister. So they influence the spending of public monies and even the imposition of taxes. It is unnecessary for them to sit in the lower House because the governing party already has a majority of elected Members there. So the question of them being needed in the lower House to carry Government's policies never arises.

I give the example of Jamaica, where Mr. Carl Rattray held the position of Minister of Justice, while a Senator; where Mrs. Fay Saunders held the position of Minister of State for Education, while a Senator; and Mr. Hugh Hart, who held the position of Minister of Tourism, Mining and Natural Resources, while still an appointed Senator.

I give the example of Trinidad where Senator Panton is the Minister of Education, and in the Bahamas where Senator Paul Adderley was Minister of Education, Attorney General and Minister of Justice all at the same time.

I give the example of Bermuda, where Senator Michael Winfield is at this moment, or up until Friday, Minister of Management and Information Services.

We skip over to the United Kingdom, where all Parliamentary procedure is born, and we find there that Lord Carrington, a former Foreign Secretary, came from the House of Lords, an appointed position. And Lord Young the Secretary of State for Trade and Industry came from the House of Lords, an appointed position.

All of them, everyone that I have named, were appointed people, not elected, and yet were responsible as Ministers for their Ministries and the finances thereof.

In the case of the United Ministers, they have authority to spend millions of pounds before going to Parliament for approval. I have not studied the Constitution nor the Standing Orders of the other countries, so I am not in a position to say whether that is so in the other countries we have talked about.

In Cayman our check and balance to Government expenditure is the Auditor General and the Public Accounts Committee on which no Member of Government sits. The total membership is comprised of Backbenchers. But, as I said on Monday, and Tuesday, our Constitution is as it is because that is what the people said they wanted. It has served us well and I have not heard any widespread call for change in our Constitution. And until, or unless I do, I am not about to propose any changes to it. I feel and know it is my responsibility to make it work as best as it can at all times. That is why we are seeking to change the Standing Orders of this Assembly now to make our Constitution work.

Let me hasten to point out that what we are proposing is a change to Standing Orders and not the Constitution. I heard a trouble maker from Cayman, who travelled to Cayman Brac to disrupt our meeting last Saturday night, say that what we are proposing is the same as changing the Constitution. And that is not so. We cannot change the Constitution, thank God. We could only request changes, and Her Majesty's Government would have to make the changes.

It is quite proper, right and legal to change the Standing Orders of this Assembly to suit the changing times. In fact, it is incumbent upon us to make changes as and when it becomes necessary.

There is the Standing Orders Committee of this Assembly whose duty it is to consider, from time to time, what changes to Standing Orders are necessary and desirable. Standing Order 75 makes that provision. I want to read it, Mr. President.

"75(1) There shall be a standing select committee, to be styled the Standing Orders Committee, to consider from time to time generally what changes to Standing Orders are necessary and desirable and particularly to consider any proposed amendments to Standings Orders which are referred to it in accordance with paragraph (3) of Standing Order 84.

(2) The Standing Orders Committee shall consist of the whole House with the First Official Member as Chairman.

(3) The quorum of the Standing Orders Committee shall be seven Members including the Chairman."

I think that I have covered in a very general way all of the opposition, which I have heard expressed from time to time, against this Motion. But before I sit down, I wish to deal specifically with a few of the written and published criticisms which I have seen, and to show the fallacy of those.

There was a letter in the Caymanian Compass 11 June, entitled, 'Legal Issues in Finance Committee Motion' and purportedly signed by the Caymanian Bar Association.

To be honest, when I read the article I had to wonder whether the signatories were Bar as in legal or bar as in booze. I am not a lawyer, Sir. I have never professed to be one as was suggested yesterday by the last Elected Member for West Bay, but I have good, God given, common sense and I am not afraid to use it. The article points out, that if our wish is to have the proceedings of Finance Committee in public an amendment to Standing Orders is not necessary because Standing Order 70(5) permits this. Let us see what Standing Order 70(5) says.

"70(5) Subject to any order of the House or resolution of the Committee, the sittings of a select committee shall be held in private."

So what the Bar Association is saying is that we could resolve to suspend that Standing Order, each time Finance Committee meets, if we wanted to hold the meeting in public.

The Standing Order which permits suspension of other Standing Orders is intended to meet an emergency situation at a given time. It is not intended to be used repeatedly again and again to achieve a specific or specified purpose. If it is seen that a specific situation arises often, as will be the case with the meetings of Finance Committee, then it is best to make provision for it in Standing Orders, as we are doing now, to permit the sittings of Finance Committee to be in public.

If their argument of frequent, repeated suspensions of Standing Orders is accepted, then there would be no need to change Standing Orders to make provisions, such as we are doing, to include the two Official Members and to have the President sit as Chairman. All we would need do is to suspend the Standing Orders dealing with Finance Committee each time it meets, and have it meet as a committee of the whole House.

This has been used very sparingly to my knowledge, Mr. President. In fact I can only remember twice in my time as a Legislator that it has been done. One was recently. However, it does serve to prove the point that we could, in fact, achieve our aims by suspending Standing Orders on each occasion that the Finance Committee meets. But that would be an undesirable and untidy way of conducting the peoples' business. Hence our desire to amend Standing Orders to permit what we would like to achieve.

The letter goes on to state and I quote:

"Third, as the Executive Council member charged with responsibility for financial matters, the Financial Secretary is the logical Chairman of Finance Committee.

This is consistent with the spirit of section 43(6) of the 1972 Constitution, which provides that the Chairman of a committee of the Legislative Assembly established by the Governor "shall be a member of the Executive Council who has been charged with responsibility under section 9 of the Constitution and whose responsibility corresponds as nearly as maybe to the functions of such a committee."

It appears to me that these people have completely misunderstood the type of committee that is being talked about in section 43 of the Constitution, because they are committees established by the Governor. And I want to read what else that Standing Order has to say. I do not believe that those people would be promulgating what they have done in this letter. What section 43(1) says, Mr. President, is this:

"43(1) A committee established under section 42(1) of this Constitution shall consist of a chairman and such number of other members as the Governor may decide:

Provided that the majority of the members of such a committee shall be elected members of the Assembly, appointed by the Governor in accordance with the advice of the elected members of the Assembly.

(2) The Chairman of a committee established under section 42(1) of this Constitution shall be a member of the Executive Council who has been charged with responsibility under section 9 of this Constitution and whose responsibility corresponds as nearly as maybe to the functions of such committee."

But, as I pointed out - and as I will point out more specifically when I read section 42, which is the section under which the committee to which they are referring is appointed - I want to show what the functions of those committees are.

If, for example, His Excellency the Governor was appointing a committee to study something to do with Education, it is unlikely that he would appoint the Member responsible for Tourism as chairman of the committee. If he was appointing a committee to study Tourism (you laugh, you will not laugh in a minute) the Governor would not likely appoint the Member for Health as chairman. But, what does

sub-section 3 of section 43 say? It says:

"The members of a committee who are not members of the Assembly shall be appointed by the Governor acting in his discretion."

People who are not Members of the Legislative Assembly can be appointed to those Committees. Very important because they are the same people who say that non-elected Members should not sit on Finance Committee. And, if some of them had their way, they would not even sit in here.

Let us go to section 42, under which this committee, that they talk about, is appointed. And this is what that says:

"42(1) The Governor may, by directions in writing, establish one or more committees of the Assembly having such functions in relation to the conduct of the business of the Government of the Islands in relation to such matters as may be prescribed by such directions and (without prejudice to the generality of the foregoing power) directions establishing a committee under this subsection may include provision -

- (a) with respect to the tenure of office of members of the committee;
- (b) regulating the manner in which the committee shall perform its functions and the procedure of the committee.

(2) Before establishing a committee under the last foregoing sub-section the Governor shall consult with the Executive Council with respect to the establishment thereof, the directions to be given thereto and the number of members thereof, but shall not be obliged to act in accordance with its advice.

(3) A committee of the Assembly established under this section shall act in accordance with the policies of the Government of the Islands and with any directions given to the committee by the Governor:

(4) If the Governor so directs, a committee shall cease to deal with any particular business within its competence which is under consideration by the committee."

I could go on and show how impotent those committees are - as far as what they are trying to make out of it.

The article in the same paper by the Young Businessmen's Association is, in my opinion, misguided although well-intentioned. And I put that letter in the same class as the letter by the executive committee of the Chamber of Commerce which appeared in yesterday's paper. It was well intentioned, but sadly misguided.

Both articles accept the proposition that the Finance Committee should be held in public and, in fact, they give us praise for making that move. However, they are misguided on the question of the collective responsibility of the Executive Council. That Executive Council would be acting as one, because of their collective responsibility, seems to be their big problem. I want to expound on collective responsibility for a little bit.

MR. PRESIDENT: Would it be convenient to take the afternoon break now, then?

HON. BENSON O. EBANKS: Yes, Sir.

MR. PRESIDENT: Proceedings are suspended for 15 minutes.

AT 3:17 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:39 P.M.

MR. PRESIDENT: Proceedings are resumed as we have a quorum. The Honourable Member for Education continuing.

HON. BENSON O. EBANKS: Mr. President, when we took the break, I was commenting on an article in the Caymanian Compass by the Young Caymanian Businessmen's Association and by the executive of the Chamber of Commerce in yesterday's paper. And I said that in my opinion both of those letters were well-intentioned, but misguided.

I said that both of the articles accept the proposition that the Finance Committee should be held in public and, in fact, that they gave us praise for making that move. However,

both are misguided in my opinion on the question of the collective responsibility of the Executive Council.

The principle of collective responsibility does not bite or take effect until a matter has been decided in Executive Council. Each Member of Executive Council walks into meetings as his own free agent, free to speak his own mind and free to use his powers of persuasion, either for or against a proposition to be decided in there.

After full debate, if debate is necessary, a consensus is reached. I cannot recall where a vote has ever been necessary in Executive Council. All decisions have been reached by consensus. So much so that many proposals have been withdrawn or deferred if there is not consensus. Often they are brought back again and sometimes for a second or third attempt until consensus is reached. It is only after a decision has been taken that Members are then bound by collective responsibility. And that is as it should be, otherwise there would be chaos.

Without collective responsibility, no Executive Council would know where it was going if Members came to Assembly meetings or committees thereof and went against something they agreed to, in Executive Council. That is why the principle of collective responsibility is enshrined in our Constitution to the extent that the Governor can remove Official Members if they fail to observe that principle and, of course, an Elected Member would feel obliged to resign if he did not observe collective responsibility - unless of course the proposition for decision was one on which Members had been released to vote a conscience vote.

The situation, is analogous to a Prime Minister having the right to fire a Minister who voted against a Government proposition after having agreed to it in Cabinet.

It should also be obvious that, except for this principle, it would be impossible for the electorate to judge the performance of Members of Council during a four year period. And after all that is the very foundation of a democracy.

If a Government is for any reason, made to operate against its own conscience and wisdom such as by the dictates of Backbenchers who do not have responsibility for subjects, then it would be most unfair for those Members of Executive Council to be saddled or branded at the end of their term with actions for which they were forced to do, rather than actions which they wished to do.

As I demonstrated earlier, under our present Constitution, Government is only assured of seven of 15 votes, including the Official Members. Not a majority. And I submit that for this reason the proposal to put all of the Official Members of Executive Council on Finance Committee is reasonable and justified.

I am convinced that on reflection those who have opposed our proposition on the basis of collective responsibility of Executive Council will now change their minds in view of the explanation which I have given. Those who oppose it, on the basis that Official Members are being proposed to be added, will also realise that they are constitutionally full Members of the Legislative Assembly and of the Executive Council; without any restrictions; with Portfolio responsibilities just as the elected Members; and that we are entitled to their support for issues decided in Executive Council, which includes the Budget and other financial matters.

To take the report of the Standing Orders Committee item by item, I submit that I have proven that Item 2 on the second page, which after all is the deliberations of the committee, in fact, entitled:

"2. DELIBERATIONS

(1) ITEM 62A (2)"

The proposal that:

"Subject to Standing Orders 81 and 82, the deliberations of the Finance Committee shall be in public",

must be rejected because that is the only item of the proposal in Government Motion No.3/90 that was accepted and, therefore, should not stand on its own in a single document; but should be embodied in a Motion to be brought back, which will follow the vote on this Motion so that it is part and parcel of the final decision of the House on Standing Orders.

It would be untidy to leave it in this report as being accepted by itself. So I am recommending that the entire report be rejected including that item, and we will have that embodied and brought back in the Motion which will follow the vote on this Motion, so that it is part and parcel of the final decision of this House on Standing Orders.

The section headed 62A (1) (3) & (4) of the proposed new Standing Orders, must be rejected because I have demonstrated that it is constitutionally sound, legally right and morally just that the Standing Orders of this Honourable House be amended as proposed in Government Motion No. 3/90.

To recap our proposals, Mr. President. They are that Standing Order 73, which reads:

"73(1) There shall be a standing select committee to be styled the Finance committee, for the consideration of the estimates of expenditure, financial bills and other business referred to it by the House or by the Governor."

be deleted in its entirety. That a new Standing Order to be numbered 62A be inserted after Standing Order 62, and after the heading 'Financial Procedure', which will read:

"62A (1) There shall be a committee of the whole House to be called the Finance Committee, for the consideration of the estimates of expenditure, financial bills and other business referred to it by the House or by the Governor or by the Financial Secretary."

I am convinced that I have demonstrated that these proposals do not weaken the office of Financial Secretary, nor strengthen the office of Governor. The United Kingdom Government would not countenance us doing either of these in my opinion.

I am satisfied that I have demonstrated that the procedure in Finance Committee does not change except that the Financial Secretary would then have a vote which he does not now have. Government will only have seven of 15 votes, not a clear majority. It must always depend on at least one other Member's support to get its measures accepted.

If you will permit me, I would at this time like to finish up with the words of a famous poem by Rudyard Kipling, which I learned in Primary School, and which I have tried to make my guiding light throughout my lifetime. And, of course, I refer to the poem 'IF'.

"IF"

If you can keep your head when all about you
are losing theirs and blaming it on you;
If you can trust yourself when all men doubt you
but make allowance for their doubting too;
If you can wait and not be tired by waiting,
Or if lied about don't deal in lies,
Or being hated don't give way to hating;
And yet don't look too good, nor talk too wise;
If you can dream and not make dreams your master;
If you can think and not make thoughts your aim;
If you can meet with triumph and disaster
And treat those two imposters just the same;
If you can bear to hear the truth you have spoken
Twisted by knaves to make a trap for fools;
Or watch the things you gave your life to, broken,
And stoop and build them up with worn out tools;
If you can make one heap of all your winnings
And risk it on one turn of pitch and toss,
And lose and start again at your beginning
And never breath a word about your loss;
If you can force your heart and nerve and sinew
To serve your turn long after they are gone;
And so hold on when they there is nothing in you
Except the will which says to them, hold on;
If you can talk with crowds and keep your virtue
Or walk with kings nor loose the common touch;
If neither fools or loving friends can hurt you,
If all men count with you but none too much;
If you can fill the unforgiving minute
With 60 second's worth of distance run;
Yours is the earth and everything that is in it;
And which is more, you'll be a man, my son.

I believe, that on this occasion these words apply to myself, my colleagues on Executive Council and the First Elected Member for Cayman Brac and Little Cayman.

I recommend this Motion to reject the report of the Standing Orders Committee for the favourable vote of all Honourable Members.

Thank you, Sir.

MR. PRESIDENT:

The First Elected Member for Bodden town.

MR. ROY BODDEN:

Thank you, Mr. President.

Every English law student knows how useful it is to have the power to interpret the language of a statute.

"When I use the word," said Humpty Dumpty, "it means just what I choose it to mean. Neither more, nor less." "The question is," said Alice, "whether you can make words mean so many different things?" "The question is," said Humpty Dumpty, "who is to be master - that is all? Executive Council? The four Elected Members? Or, the seven Backbenchers and the people?"

The Honourable Member for Education, Environment,

Recreation and Culture, has, it seems, been reading "Through the Looking Glass." And, we are all the worse off for that because if he has his way the consequences will be disastrous.

As I sat listening to him, all I could think of was the passage in the Acts of the Apostles where Paul, the Apostle, in all his erudition and persuasiveness was told by King Agrippa, "Almost, thou persuadest me."

That eminent British politician, Edmund Burke, in an address to the Sheriff of Nottingham, said that a politician, a political leader, must be three things. He must of course, quite naturally, be a leader of his people. He must be an educator because he must prepare them for where he would like to take them, and to ensure that they understand what is going on around them. But, most importantly he must be a buffer between his people and the Government. And that is what the seven Backbenchers are.

I do not understand, how such a radical change can be made, can be recommended, can be requested - and we are told that it will not drastically change the order of things. I do not understand how people can talk about their concern for the stability of this country saying that banks, companies and businesses will leave and not realise that they are the perpetrators.

At the beginning the Honourable Member made some insinuations and I wonder if he knows that there are people sitting in this Honourable House who have stolen, who have misappropriated, who have over-inflated values of land. Does he not have a moral obligation and responsibility to report any criminal behaviour that would preclude any Honourable Member sitting in this Assembly, now, from doing so? And if he does not have that responsibility, and if he does not know, then I wish he would desist from saying that, because I take umbrage to that because we are leaders of the people and, as such, we are all honest men, here.

The business at hand is serious business. I appreciate that even the most sincere of us play politics at times; after all we are politicians. But I would remind us, that even politicians - the calling, the profession as you would say - is a fraternity and, as such, we have certain courtesies which we owe to each other. And I think that those kind of reckless statements - because we may have immunity and privileges - are grossly out of order. Quite frankly to someone who misappropriates the title of father of the House, I was surprised to hear those kind of things coming from him.

Now to get on with this important matter.

I do not know any easy way to say this, other than to say that anyone who proposes to cannibalise their colleague cannot, in all sense, be taken seriously. I cannot understand how any move - however well-coached in flowery language, however many interpretations there can be - by one who proposes to make such a change of removing someone from being the head to just being an ordinary Member -- please, convince me that that is not a radical demotion.

The Westminster system, the very system upon which our Government is predicated, is completely and entirely removed from what is proposed here. The argument is that if this proposed change goes through, Sir, what will happen is that the new Finance Committee will be structured in such a way that it will automatically have a quorum. It will not be necessary for us, as the peoples' representatives, to be there. And, what then is our usefulness? What then is our efficacy? What then is the sense of us being there?

I have to go back to the words of my respected, departed, ex-colleague Franklin Smith, who said during the suspension of Standing Order 67(1) that that was the beginning. How prophetic the farmer - that was the beginning.

I respectively submit that this move had its genesis in two things. When the Backbenchers, after trying diligently to work with the Elected Executive Council, found it incompatible. And, more importantly, the result of one meeting of the Finance Committee in which there was a tie when, in the absence of some of our Members, we were being exploited. But it backfired.

Franklin had resigned. My good colleague McKeeva Bush was away in Bermuda on Commonwealth Parliamentary Association business, and a motion was brought. The vote ended in a five to five tie. And, in accordance with precedent and tradition the vote was cast by the Honourable Chairman, and it went against. The die was cast that afternoon. The scheme was concocted with the collusion of I wonder how many people? But, Mr. President, I am here to say, it will not work.

And even if the victory is had on the floor of this House, it will be a Pyrrhic victory because one need only put their ears to the ground. What is the purpose of this exercise? Is it to circumvent the elected representatives of the people? Is it because during the Budget the seven Backbenchers saw fit to redistribute funds so that their constituents could be the better off? Is it, as I have heard frequently remarked here, because some people had roads constructed in their district? I have to say I believe that I fall in that category, and I have no apologies to make to anyone. It was completely above board and, after all, all politics are local and I have to take care of my constituents.

Is it to increase the power of the Executive Council? If it is, at who's expense? Is there any need to make this restructuring by changing such an important Committee as the Finance Committee? Is there a need to remove the Honourable Chairman, who functions so well?

I would like to say, Sir, that I specifically remember one evening during the intense and sometimes volatile deliberations when we were plying backwards and forwards and there was eight of us and four of them. I am suggesting that the Chair was handled coolly and professionally and we stayed one night until 10:00 p.m. And now people are telling me that we must jettison that dedication, that professionalism, that expertise, just because four people who had a majority then lost that majority want to hold on a little longer.

I heard the Member say that they had three options open to them. The first that he gave was to resign. I am not calling for any resignation. They are the duly elected

Government and I want them to stay, because contrary to the cartoon that I saw in the newspaper when my colleague, Mr. Haig Bodden, was elected, we are not taking the pots off the fire, we are turning up the heat. (LAUGHTER) That is what we are going to do. We are going to turn up the heat - so I want them to stay! I would like them to stay, so please let that be understood.

We do not crave power. We are not power hungry. That is often the remark I hear that the Backbenchers are power hungry; that they want power. I want to put that matter to rest once and for all. If I were power hungry, or McKeeva Bush, or even if the party, (which still respect Franklin Smith), were power hungry, we could have had that because we had bargaining chips.

Lord knows if it was not obvious before it was obvious then, because they are courting one vote like a young man courting a princess. How much more do you think they would have courted three votes? (LAUGHTER) So lest not anybody really believe that? No, no, no, no, Sir. Our turn will come. We are in no haste to arrive. Besides I was taught that the best place to begin at is the beginning. You see the fundamental principle being is that I do not intend to make the mistakes that they have made. So let them stay and fry!

Haig has assured me that there is plenty of fire to be stoked, so we are going to take our time.

MR. PRESIDENT:
would?

Could I ask you to refer to Members by their districts if you

MR. ROY BODDEN:
is plenty of fire, so we can be content.

I am sorry, Sir. My respected colleague, has told me that there

Political stability is not only the responsibility of the Backbench. The major responsibility for that is to the Government. That is my submission. And I would remind the Honourable Members that this Motion did not originate with the Backbenchers. We are not pushing it. We would like the Motion voted down because we realise the disastrous consequences that it could put us in.

So let me then say that we are not being irresponsible, but rather the Elected Members of the Executive Council. And it is unfortunate, that the Official Members find themselves caught up in this, because my belief is that they are being used rather conveniently. I am not sure that there is any real genuine concern to share the power, the prestige and the influence of sitting on the Finance Committee with them, but rather they are in the right place at the right time.

I am suggesting that that is the same position with the Member whose vote they are courting so jealously, because there was a time when they could have encouraged us to support him for a seat on Executive Council. But the instructions were, "No, no. That cannot go."

MR. W. McKEEVA BUSH:

True. Yes, the four of them (inaudible) vote us.

MR. ROY BODDEN:

So the point needs to be made that it is merely a situation which is being exploited. It is a fundamental principle of the Westminster system that only elected Members, the peoples' representatives, should vote funds and levy revenue and taxes on the people.

History tells us this lack, this absence, is what brought about the split between Great Britain and the 13 American Colonies. But even closer, in 1215, the people had to give King John a little lesson and that was the beginning, the precedent that all follow.

Now people are saying, "You had something working and it worked well for over a generation, but we want to change it now because 'four of us elected guys' let our Backbenchers slip through our fingers and we really do not want them to do to us what they did to us with the last Budget, so we are going to stack the deck."

This is high stake poker, Sir, and the losers have to leave town. It is not that we fear that the Official Members are not capable. They are! It is not that we fear they are not qualified. They are! But, it is a fundamental principle that because most of the funds come from the people, it logically stands to follow that the peoples' representatives should have the say because they are accountable to the people.

No exercise in convoluted logic can convince us otherwise. Who is accountable to the electorate? Not the Official Members certainly. Certainly not the Governor. The Elected Members of Parliament; those are the people whose conduct, whose performance is up for review every four years and sometimes before. Those are the people of whom precedent and tradition say should make up the Finance Committee. Why should we change it now? Because the Member for Education, Recreation and Culture says he has lost his majority? And, they berate the Backbenchers. Renegade politicians! I do not know in which Parliament they sit, but I can certainly say there are none sitting on this side. I do not know about the other side, I am not sitting over there.

What sensible businessman or manager would radically throw out his operational plan after 31 years of continuous profit, when there is absolutely no pressure on him to do so and his directors are pleased with his performance? The person who does that deserves a horse-whipping.

I am suggesting, too, that it would be cumbersome for all member of Parliament to be involved in the Budgetary process. Certainly the mechanism exists now where any Members of Government, in whatever rank, can request to appear or can be summoned to appear before the Finance Committee to justify or explain his request, or his expenditure, or his management of the Government's finances.

The reason why it has operated for such a long time the way it has, must be that it has worked efficiently. Consequently that logical question - What is the reason for the sudden

change? If we change we can be prepared for a lot of work.

In the Greek legends, the seventh labour of Hercules was to clean the stables of the Aegean King. You know what happened, Mr. President? The Aegean King had a stable of horses and he was unable to clean these stables for about 12 years and there was such a mess that only Hercules could clean it up. If this Motion succeeds, the seven Backbenchers will have a Herculean task to clean up the mess that is left. I am worried. I fear this is not an easy task.

I am wondering if such a radical change is worth a little power and a little prestige that I see coming from it. I am wondering if it is logical, practical and reasonable to so structure a Committee so that someone could just step off a plane from Timbucktu, vote the Caymanian people's money and, almost as quickly as they step off the plane, step back on another plane and be gone, with no accountability to the Caymanian people. That cannot happen now, but it could happen if we accept this Motion!

I am wondering as a representative of the people, if that is good enough? And I am giving the benefit of the doubt to everyone. I am saying it does not look well, especially in light of the fact that we have a system that has worked.

Let us take the purely human aspect of it. This Motion is saying, "You have been a faithful servant, you have served us well, but unfortunately the system has evolved now, so that we cannot have our way and as a result of that, our good servant, we have to do away with you. But it has nothing to do with your ability, it has nothing to do with your performance, it does not even have anything to do with your looks. It just has to do with our selfishness, because we want to be in control. We want to be able to control the Backbenchers so that when they come back to us and we talk about a Budget, they cannot take some money and put street lights in their constituency or launching ramps."

I listened to the debate and to the comments, and even some of the answers when questions are being answered. I get the drift of the argument. I get the logic. I even hear aspersions being made about a Public Accounts Report. I know, I know, what the basis is. I know what the motivation is, and I know what the end result will be if they have their way. But I am saying if they do it it will be but a Pyrrhic victory, because the people will have the last word.

Sure, political stability brought us to this point. Of course in any Parliament there is going to be debate. Sometimes we get vitriolic debate. Sometimes the debate gets bitter, and that is unfortunate. But we have a system of adversary politics and to a certain extent that is to be expected. But we are not bitter and thank God we do not hold grudges. I believe that even though we have differences we get along fairly well. We joke and jive in the Common Room. I do not think there are any mortal enemies between and amongst us.

And, I am saying again, because it can not be emphasised too much, that the Government has as much responsibility for political stability as does the Backbench.

I heard the Honourable Member for Education Recreation and Culture saying that, "bank managers had called him" Bank managers have also called us. It would be interesting to see who had the most calls, or who called whom?

Mr. President, I can tell you, business people are by nature conservative for the most part. This time the Backbenchers are not catching the hell, it is the Elected Members of Executive Council. Our turn may have been last year, August, and round about there. This time as the Jamaicans say, 'it nuh fe we turn'.

I am going to say something else. That is why they are saying there will be no elections because you guys are popular now. The elections were not when you were unpopular, and we were popular. There will be none now that the roles are reversed.

I want to say again, that is not our cry. Our cry is only that the Finance Committee remain as it has been, because it is working effectively and efficiently and, above all, we are a buffer between our people and the Government. And we want to be sure that all of the checks and balances are in place so that their money is safe and that we can call into question and into account anyone when we have reason to believe otherwise.

So I have to say again that it was not our fault that the Budget was changed. We did not handcuff any Elected Members of the Executive Council. We did not kidnap them or sequester them against their will. What we said was, "Gentlemen, let us sit down and talk seriously because each of us has a responsibility and an obligation to our constituents."

And, if at that time they did not like that, they knew what to do because the Member said it in their three options. They did not do it then, probably because no one from our side challenged them to resign, like they challenged my colleague Franklin to resign.

So now they think they are one-up us by bringing this Motion and make it do what Humpty Dumpty tried to make the words do in "Through the Looking Glass."

No, that is not going to work, because on this side there are seven committed, dedicated and prepared Backbenchers who are going to struggle, even against the odds, for the benefit of their country and constituents. We are responsible and we are going to stay within the legal and the Constitutional perimeters.

I am convinced that in the end we are going to win out because ours is a union born of the motive and the desire to stand up for our people; born of the necessity to be a cohesive group. I hear, too, that some people are waiting until we break up. Well, I hope that wait is not on their knees, because if it is they are going to have some heavy calluses.

This is not a forthright situation at all. This is a situation where we are working together to ensure that our people are represented the way that they should be represented. That is why we are lobbying and debating against this Motion because we do not wish any change in the structure of the

Finance Committee. We are convinced that our people are not going to accept that. They do not want it! So even if they win the vote here, in the end they will lose. And, what does it gain a man to win here and lose his political reputation? What does it gain a man to win here and lose his political tenure. You know that 1992 is not far away and Caymanian people have the memory of an elephant. They are not going to forget.

I see some people leaving. I wonder if my colleague turned up the burner a notch or two? If they cannot take the heat, perhaps he should pour a little more coconut oil in the pot.

MR. PRESIDENT:
you...?

It is coming close to half past four, or just about that. Would

MR. ROY BODDEN:

Yes, Sir, I will take a break now.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:
House until 10:00 o'clock tomorrow morning.

Mr. President, I move the adjournment of this Honourable

QUESTION PUT: AGREED.

**AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,
THURSDAY, 14TH JUNE, 1990.**

**THURSDAY
14TH JUNE, 1990
10:22 A.M.**

MR. PRESIDENT:
and Agriculture.

Prayers by the Honourable Member for Communications, Works

PRAYERS

HON. 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.

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 Assembly are resumed.

QUESTIONS TO HONOURABLE MEMBERS

MR. PRESIDENT:
Bay, please.

Questions. Question No. 98, the First Elected Member for West

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 98: Can the Honourable Member give an update of the interim projects for the hospital?

ANSWER: Ten interim projects for the George Town Hospital namely:

- Infection Control
- Inventory Control
- Equipment Maintenance
- Radiology Development
- Laboratory Development
- Surgical Care Management
- Medical Records
- Pharmacy
- Patient Flow
- Charges and Billing,

have been completed and a final report on each one has been presented. Presentations on these projects have been made to the Portfolio, the Hospital Management Committee and relevant Hospital Departments.

Implementation of the recommendations on six projects has begun. The remaining four were completed during April and their implementation is now under consideration.

As many of the recommendations as possible, which refer to policy and procedures, are now being implemented. Recommendations which refer to structural changes are being held in

abeyance pending approval of a Master Plan for the development of the present hospital site.

Attached for Members' information is a more detailed breakdown of the recommendations, by project, and a summary of action taken to date.

(ATTACHMENT)

**STATUS REPORT
GEORGE TOWN HOSPITAL INTERIM PROJECTS**

1. INFECTION CONTROL PROGRAMME

the recommendations relating to hand washing facilities, and use of disposable items have been implemented. In order to implement all the recommendations, the following must be put in place:

(a) INFECTION CONTROL PRACTITIONER

This post is essential in order to organise appropriate structured in-service training and the documentation and implementation of systematic nosocomial infection surveillance. Creation of such a post is in hand.

(b) INFECTION CONTROL POLICY AND PROCEDURE MANUAL:

The basic document, compiled by the consultants, is being reviewed by the Infection Control Committee for its adoption. The amended manual will be ready by mid-June. It will be amended from time to time as deemed necessary.

(c) STRUCTURAL CHANGES

Although steps are taken to avoid cross contamination, recommendations in relation to casualty area, laundry, central sterile supply, surgical ward, placement of washer/steriliser, provision of separate soiled utility rooms cannot be implemented without extensive renovations.

While the hospital has had an infection control programme in place for some time, this report has recommended the restructuring of the programme and will stand as a base document which can be modified as it becomes necessary. Construction of new facilities will take the recommendations made by International Healthcare Corporation into account.

2. INVENTORY CONTROL SYSTEM

The Purchasing Policies and Procedure Manual compiled by International Healthcare Corporation has been reviewed and adopted. It will be updated on an annual basis as necessary.

Currently the inventory control is done manually. Computerisation is essential to deal with it effectively. Administration is currently reviewing a number of materials management systems.

A Master Catalogue for the central store room has been completed and will be updated as required.

Hospital Administration is implementing a Forms Committee and the Health Services will be responsible for medical forms.

The recommendation regarding the creation of a Visa/Mastercard account will be followed up through the Accountant General and the Financial Secretary.

The Exchange Cart System is being implemented.

3. EQUIPMENT MAINTENANCE PROGRAMME

International Healthcare Corporation submitted a copy of the Cayman Islands Health Services Master Capital Equipment List for 1989. All capital equipment was tagged. International Healthcare Corporation has provided us with a copy of the computer disk and it will be continuously updated.

The Biomedical Technician has tagged all the medical equipment and any new equipment is being tagged prior to release.

All Preventative Maintenance contracts are in the process of being renewed in accordance with IHC'S recommendations.

4. RADIOLOGY DEPARTMENT

A full time Radiologist took up his post on April 2, 1990.

The Radiology Department has reorganised the service to reduce overtime hours, as recommended. A full time secretary/receptionist was employed as of April 2, 1990.

It is anticipated that the Radiologist and the X-Ray supervisor will undertake the task of developing the Policies and

Procedures Manual.

Originally, a new General Radiographic Unit was budgeted, but with the employment of the full-time Radiologist, it is necessary to have a second Fluoroscopic/Radiographic Unit and this has been requested.

The life of X-Ray files have been reduced to three years instead of five years. The supervisor and the Radiologist are sharing one office. Additional shelving has been added in the X-Ray room as recommended.

In order to implement all the recommendations, it is essential to have more space for the second Fluoroscopic/Radiographic Unit and an office for the Radiologist.

This can happen only if we undertake a Master Plan for the development of the existing George Town Hospital facilities.

5. LABORATORY

A pathologist is being recruited. Turn-around time for results from overseas has improved since the Cleveland Clinic is being used.

As recommended purchasing of commercially prepared media is being investigated by the laboratory supervisor. Surveillance of antibiotic sensitivity patterns has now been initiated.

Equipment to be repaired or replaced is being attended to by the Hospital Administration.

Because of the staff work load it has been difficult to compile a Policy and Procedure Manual, although some policies are available.

On recruitment of the pathologist it will be considered whether, between the pathologist and laboratory supervisor, they can develop the manual or if it will be necessary to obtain outside help.

All the recommendations are being addressed. However, as the existing facility is itself inadequate, recruitment of pathologist, lab space for introduction of Histopathology, appropriate housing for ECG and Blood Bank, necessitates a major renovation plan. As the Portfolio does not consider piecemeal expansion as the right direction the recommendations in relation to physical structure have not been addressed. The necessary structural changes will be considered when the Master Plan for this facility is developed.

6. SURGICAL CARE MANAGEMENT SYSTEM

This consisted of a number of recommendations in relation to staffing, operation room and surgical ward.

The consultants have recommended the recruitment of a radiologist, second anesthesiologist and a pathologist. The radiologist has already taken up the duties. Recruitment for a nd anesthesiologist is now complete and the recruitment for the pathologist is in process.

Other staffing recommendation have not been followed up but will be included in the 1991 estimates.

A new anesthetic machine was purchased in December 1989 and another will be requested in 1991.

Recommendations relating to surgical ward -- to have more beds and appropriate bed spacing with proper storage facilities cannot be implemented without considerable renovations and additional space. This should be done within the context of a Master Development Plan for the facility.

Inadequate storage facilities in the Operating Theatre is being rectified by ordering storage cabinets. The recommendation to provide a Defibrillator and EKG monitor for the recovery room is being implemented.

The recommendation relating to structural changes such as provision of an additional Operating Theatre, the necessity for a large sluicing room, and provision of an outside entrance to doctors' and nurses' locker rooms are not addressed as it needs to be done in a coordinated manner as part of the Master Development Plan.

The recommendations relating to the discontinuation of the use of the Operating Theatre's store room for preparing and wrapping instruments cannot be implemented due to the limited space in the central sterilising room. It is our intention to add an extension to the Central Sterile room for a washer/steriliser and use it as a decontamination area, thus allowing separation of dirty and clean activities which are now taking place in the same room.

Reports on the other four interim projects, patient flow, charges/billing, medical records and pharmacy were presented at the end of April 1990. They are still in the process of discussion. A major factor in their implementations is computerisation.

A Committee consisting of the Principal Secretary, the Hospital Administrator, the Accountant General, the Auditor General and a senior computer analyst has been formed to monitor the implementation of the charges/billing recommendations. Advice and support has also been sought from the Management Services Unit of the Personnel Department.

It is envisaged that a Project Manager will be recruited to supervise the implementation of these projects on a day-to-day basis. Assistance in drafting a job description and recruiting a suitable person for this position is being sought from the PAHO Regional office in Jamaica.

SUPPLEMENTARIES:

MR. PRESIDENT:

Supplementaries.
The First Elected Member for Bodden Town.

MR. ROY BODDEN:

Mr. President, in the answer the Honourable Member stated that a Project Manager will be recruited to supervise the implementation of these projects. Can the Member say exactly when such a manager is expected to take up the position?

HON. D. EZZARD MILLER:

Mr. President, it is hoped that that post will be established some time later this year. But there is a required process of creating the post; of having it considered by the Public Service Commission; of getting supplementary funds into the estimates; and then advertising the post. So it will probably be the latter quarter of the year before that person could be put in place.

MR. ROY BODDEN:

Thank you, Mr. President.
May I then ask, how, in the interim, will these policies or new controls be implemented and monitored?

HON. D. EZZARD MILLER:

Mr. President, the first six projects, that is Infection Control, Inventory Control, Equipment Maintenance, Radiology Development, Laboratory Development, Surgical Care Management, are all being handled by the In-House Management Committee and the Department Heads of the Hospital.

That Management Committee consists of the Chief Medical Officer, Medical Officer for Health, the Hospital Administrator and the Chief Nursing Officer, and whichever department that the particular recommendation pertains to. However, in addition to that the last four - Medical Records, Pharmacy, Patient Flow, Charges and Billing - which involve much more detailed production of forms and computerization, etcetera, we have in the interim period established a Committee, (consisting of the Principal Secretary for Health and Social Services, the Hospital Administrator, the Accountant General, the Auditor General and a Senior Computer Analyst) to look at the recommendations contained in those four projects while we are recruiting a project manager to monitor the implementation of those recommendations in those four reports, as well as keeping in place the improvements that have already been made under the other six.

MR. ROY BODDEN:

Is the Honourable Member saying that because there is a significant difference between the first six items which he named, and the remaining four, that it is possible that they need two supervisors?

HON. D. EZZARD MILLER:

No, Sir.
The idea of a project manager is to monitor the implementation of all of the programmes. However, in the interim period those projects can be handled by the department heads. You have to realise that our supervisors at the hospital do not only provide supervisory services, they also have a full day's work of clinical responsibilities. So, they do not have the time to implement the more detailed accounting forms for the charges and billings to make sure they comply with all of Government regulations, the medical records form improvements. All of the doctors' request forms and that sort of thing. So what we need is one person who can coordinate all of that in order to get the maximum benefit from the supervisors.

MR. ROY BODDEN:

Thank you, Mr. President.
In terms of the management hierarchy at the hospital, what is the perceived rank and title that such a person will hold?

HON. D. EZZARD MILLER:

Within the present rank that person would probably be at the assistant administrator level, I would assume.

MR. TRUMAN M. BODDEN:

Mr. President, may I just ask who did the interim reports for the projects and what was the cost if the Member has it?

HON. D. EZZARD MILLER:

I do not have the exact cost here, Sir. I will supply that in writing. But, the 10 interim projects were all done by International Healthcare Corporation.
Mr. President, I could, for Members' information, say that all 10 interim projects are being prepared by the Computer Services Department for circulation to all Members under

confidential cover.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Mr. President, I just have one last question. It is rather an undertaking that I would seek from the Honourable Member. As quickly and as conveniently as possible could some undertaking be given that a suitably qualified Caymanian could either be recruited or trained for this position?

HON. D. EZZARD MILLER: Mr. President, we are hoping to find a suitable Caymanian to recruit. The Hospital Administrator is a Caymanian and we obviously will advertise the post locally first.

MR. PRESIDENT: Question No. 99, please.
The First Elected Member for West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 99: Can the Honourable Member say whether an Half-Way House will be established in West Bay?

ANSWER: No final decision on the location of the Half-Way House has yet been made.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries, the First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Mr. President.
I would like to ask the Honourable Member if the establishment of Half-Way Houses is deemed an important priority in his policy and Portfolio plans? And, if you will permit me, Sir, the reason why I am asking such a question is that I was reading a Court report a short while ago where one of the Judges said that there were no provisions. He had to send someone to prison when he believed that prison was not the correct place. There were no Half-Way Houses to send such persons.

HON. D. EZZARD MILLER: Mr. President, if I could answer the latter part of the question first.

What we envisaged was not a Half-Way House where people could be sentenced from Court. Rather, much more in line for people who are continually in rehabilitation. And the Judge presently has the alternative of community service orders under the Law.

As to the priority placed on the Half-Way House, I have said from Day 1 that a Half-Way House is desirable, but more important in terms of priority are the programmes. And we have, in fact, instituted in the interim period five programmes through the Cayman Counselling Centre, which deals with the Primary Treatment Programme, a programme that deals with adult children of alcoholics; a programme that deals with a feelings group, people in recovery and their families; a programme that deals specifically with continued rehabilitation of people who have been sent overseas for intensive in-house rehabilitation. We have enlarged and improved the support groups - the Addicts Anonymous groups, and we do have in place a family programme as well, Sir.

MR. W. McKEEVA BUSH: Can the Member say why no final decision has been taken? Why is he not considering West Bay? I take it from his answer that he is not considering West Bay. He said no.

HON. D. EZZARD MILLER: Mr. President, the reason no final decision has been taken on the Half-Way House is because in the development of the programmes and the original concept of an Half-Way House was that we needed a place where people, when they came back from rehabilitation, could spend some time out of the normal environment that they were in, which would provide basically residential facilities.

We are finding as we develop the programme, that the programmes that I talked about are now having a very good success rate and the need for residential facilities is not as urgent as we first envisaged.

MR. PRESIDENT: Question No. 100.
The First Elected Member for West Bay, please.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 100: Can the Honourable Member say what action has been taken in relation to Private Member's Motion No. 12 of 1988 which resolved that Government consider ways and means of introducing the Apprenticeship System in the Islands?

ANSWER: Honourable Members will recall that a statement concerning the proposed Apprenticeship Scheme was made in this Honourable House during the February meeting this year.

Since that time the Manpower Demand Survey has begun and is now in progress. Field interviews are presently being conducted and should be completed by the end of June 1990. The Economic Development Unit expect that a report should be made available to Executive Council by November 1990.

Government will await the completion of the Manpower Demand Study before further consideration is given to the development of an apprenticeship scheme.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

MR. W. McKEEVA BUSH: And it will take just over two years, Mr. President, if the Member would say, to come to some agreement as to whether this country needs such a system?

HON. W. NORMAN BODDEN: Mr. President, I accept that it is taking some time in order to decide whether such a scheme should be introduced or not. But I am sure that the Member will appreciate that considerable research has to be conducted and the necessary information gathered before Government can give consideration to this.

We have undertaken to examine ways and means of introducing the system, but there is no doubt that such a system in an over-employment market will have its inherent problems. It could also prove expensive in many areas which would be passed on, undoubtedly, to the consumer. One would also have to look at whether it was necessary to establish any form of Legislation. It is taking some time, but it is an important matter and I can only say that we are pursuing, as actively as we can, the proposal and when all the information is compiled, a decision will be taken and that decision will be reported to the House.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Mr. President.
May I preface my question by saying that I appreciate the comprehensiveness of the exercise. And now, may I ask the Member if any thought or consideration has been given to involving the school and whether there has been any sounding out, however cursory, of organisations in the community like the Chamber of Commerce and the private sector towards their acceptability of this?

HON. W. NORMAN BODDEN: I could not say definitely, Mr. President, whether the schools or the Chamber of Commerce have been involved. I am sure that they would be involved in the Manpower Survey that is being conducted. I cannot say that they were involved in any other area. I imagine that when all the information is in, the Chamber of Commerce, as well as other organisations and the schools will be included in the decision-making process as to whether the scheme should be introduced or not.

MR. W. McKEEVA BUSH: The Member talked about inherent problems. I wonder if he could tell the House what he foresees as these inherent problems?

HON. W. NORMAN BODDEN: Mr. President, I tried to refer to them. Our present labour situation in this country is that we have an over-employment market. It is hard to fill all the jobs that we now have with Caymanians. That was really the prime area that I was referring to. Certainly, if we are going to do an apprenticeship scheme the candidates for that must be Caymanian. We are not going to train anybody else. As it stands now we do not have enough Caymanians to fill the jobs we have. I think the ratio is something like four or five to one.

MR. W. McKEEVA BUSH: Precisely, Mr. President. That is why the scheme is so needed.
The scheme is a training scheme.

MR. PRESIDENT: If you preface by saying, would the Member agree, then you will put it as a question.

MR. W. McKEEVA BUSH: Yes, well... give me a chance to get to that area. As I see it, an apprenticeship scheme is a training scheme. The problem in Cayman is that we do not have enough trained people. I thought this was the fundamental....

MR. PRESIDENT: I must interrupt you again. This is becoming a statement. If you will preface by saying, would the Member agree, then it is fine.

MR. W. McKEEVA BUSH: If you want to answer the question answer it the way the President

MR. PRESIDENT:

Kindly be seated.
The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN:
he has done in the two years toward this?

Mr. President, could the honourable Member tell us briefly what

HON. W. NORMAN BODDEN:

Mr. President, we have checked with the private sector and did an investigation on, for example, what training programmes are in place and what scholarships are available to Caymanians to train those that are available for training.

As you know the Caymanian Protection Board has Directives that Caymanians, as they become available, must be given preference in the jobs that are available. The results of that really came back to the point that there are insufficient Caymanians to fill the jobs that we have and therefore one has to wonder where we will get these people to enter the apprenticeship scheme.

MR. TRUMAN M. BODDEN:

Mr. President, would the Member not agree that the apprenticeship scheme is aimed at increasing the ability of the people on the job and upgrading them while they are still on the job and working and therefore, as a result of that, it should begin as early as possible to upgrade the quality of those on the job at the present time?

HON. W. NORMAN BODDEN:

Yes, Mr. President, I have no difficulty whatsoever in agreeing with what the Third Elected Member for George Town has said. I think that is the objective of the whole scheme. I want to make it abundantly clear that Government has acknowledged that it has taken some time to decide on this matter, but it is being actively pursued. And, while this House has many major differences, I can truthfully say that there is one area which both sides of this House agree; that training should be done and that Caymanians should be given priority and preferential treatment. There is no disagreement on that and I can only say that the Portfolio intend to pursue this and do whatever it can to conclude this matter at an earlier date and inform the House accordingly.

MR. PRESIDENT:

Cayman caught my eye next.

The Second Elected Member for Cayman Brac and Little

MR. GILBERT A. McLEAN:

Mr. President, based on what the Member has said, and assuming that the various statements of Government are correct that we are looking towards Caymanianisation, and because there is over-employment in this country, is it not precisely that reason why an apprenticeship system or an understudy system is required in the Cayman Islands? And is it not so that the whole concept is to train persons in the job which they have at present, and not to bring in new people?

HON. W. NORMAN BODDEN:

Mr. President, the discussion is not centering around whether or not there should be an understudy or an apprenticeship scheme in this country. I do not see that as the decision taken by Government as yet. Government is not saying that there should not be one, but I think the point also has to be made that the majority of businesses in the private sector, and Government, presently provide on-the-job training as well in many areas. There are not a large number of Caymanians not being trained and given an opportunity, (even at this present time), to improve their skills.

MR. PRESIDENT:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

Thank you, Mr. President.

I would like to ask the Member if it is correct that he was implying that because there is a situation of over-employment, it lessens the urgency to conduct the investigation?

Secondly, has any consideration been given to the fact that a second objective of the understudy system would be to provide what is called mobility between jobs; particularly upward mobility in that some persons who may feel that they are at a cul-de-sac in one job can switch over and become an understudy in an entirely different job or profession and achieve upward mobility of their ambition by doing so?

HON. W. NORMAN BODDEN:

Mr. President, in reply to the first part, there was no implication, at least intended on my part, that it lessened the urgency. I was just making the point that in an over-employment market, this can be one of the important factors that will have to be taken into consideration. And surely, the objective is for Caymanians - that as they become available and are trained to be able to scale the ladder of success and move upwards in their position from one to another - to improve their standing in the particular field that they have chosen. I certainly accept that it would not be intended nor the objective for Caymanians to be moved sideways. It would be intended for them to move upwards as their skills improve.

MR. G. HAIG BODDEN:

Mr. President, may I ask the Member to explain why the completion of the Manpower Demand Study is now being used as an excuse for not having completed the apprenticeship system since it is my understanding that the Manpower Demand Study is a recent recommendation of the Government coming about two years after this Motion had been tabled?

HON. W. NORMAN BODDEN:

The Second Elected Member for Bodden Town can term it as an

excuse or describe it in any way that he sees fit. I do not accept it as an excuse. I am simply saying that Government's position is that until we know exactly what is needed for the present and in the future we cannot implement a proper programme or even agree that one should be implemented. I think that is the reason for the study and why we must wait until all the information has been collected.

MR. PRESIDENT:

The next Question No. 101.

Cayman.

The Second Elected Member for Cayman Brac and Little

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 101: Would the Honourable Member say if any hotel construction on the Seven Mile Beach has been approved since the Legislative Assembly passed the Motion to institute a moratorium in the area?

ANSWER: Mr. President, this is not in the written answer, but I take it that the Member is referring to the amendment to the Tourism Law, because this matter was handled through an amendment to the Tourism Law, not a Motion. And the written answer is:

Since the passage in the Legislative Assembly of the Tourism (Amendment) Law, 1990, the Central Planning Authority has renewed the permit granted for the construction of the Sleep Inn Hotel, for which final approval was originally granted in March, 1989.

No other approvals have been granted for the construction of hotels.

SUPPLEMENTARIES:

MR. PRESIDENT:

Supplementaries, the First Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Safehaven or the Yacht Club have approval for hotel construction?

Mr. President, I wonder whether the Member could say whether

HON. W. NORMAN BODDEN:

included in the Order issued by Executive Council it was accepted that these two projects had originally indicated in their overall development plan, identified areas for hotels in those two projects.

Mr. President, included in the Order issued by Executive

Council it was accepted that these two projects had originally indicated in their overall development plan, identified areas for hotels in those two projects. This matter was taken into consideration in the Order that was issued by Executive Council. In other words, when the Cayman Yacht Club and Safehaven projects were approved by the Central Planning Authority they had indicated in their plan and identified areas for hotels. And, based on the information I received from the Central Planning Authority, this was considered to be an approval in principle and that therefore provision should be made in the Order issued by Council.

MR. PRESIDENT:

The Elected Member for East End.

MR. JOHN B. McLEAN:

other applications for other areas of the Island have been received?

Mr. President, I wonder if the Member could say whether any

MR. PRESIDENT:

wishes to take it, he may.

I think that goes beyond the original question, but if the Member

HON. W. NORMAN BODDEN:

And in any event, these would not be affected by the moratorium since it only relates to the Seven Mile Beach area.

Not since the moratorium has been put in place, Mr. President.

MR. W. McKEEVA BUSH:

Supplementary, Mr. President. I believe the Member would agree that in the debate on the moratorium Bill [Tourism (A) Bill, 1990] he mentioned some projects, the Yacht Club nor Safehaven were mentioned. From his answer just now, are you saying, for the sake of clarity, that these projects have had approval?

Supplementary, Mr. President.

HON. W. NORMAN BODDEN:

Mr. President, first of all, it is my recollection that in the debate referred to by the Member the Yacht Club project and the Safehaven projects were identified. That is my recollection. I do not have the record in front of me but that is my recollection of what was debated.

I want to make it clear that the point that I am making is that the specific plans for an hotel in those projects were not approved to the best of my knowledge.

In other words, no plan regarding the building, the construction, the actual building plans of an hotel were approved. When the overall development plan for those two projects were approved, the Central Planning Authority understood that lot and parcel numbers were identified for future hotel development. Since the overall plan was initially approved as presented to them, it was felt to be only

reasonable and fair that those two projects should not be caught by the moratorium. That is my understanding, Mr. President.

MR. W. McKEEVA BUSH: To be absolutely clear, those two projects have approval?

HON. W. NORMAN BODDEN: I think I said a while ago, Mr. President, in principle, there is an acknowledgment. In other words, those two projects have provision for two hotels to be built that are not affected by the moratorium.

MR. PRESIDENT: Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, to the Member.

What size or how many rooms are these two? As I understand it, the site has been exempt from what was a cemetery to cemetery moratorium. How many rooms are they entitled to put on these respective sites?

HON. W. NORMAN BODDEN: Mr. President, the specifics of the hotel, as I pointed out earlier, have not been dealt with by the Central Planning Authority, as I understand it.

MR. TRUMAN M. BODDEN: So are you saying, you do not know how many rooms or whether it could be a 1000-room or 200-room hotel that can go on each of these sites?

HON. W. NORMAN BODDEN: Mr. President, this certainly would be a matter for the Central Planning Authority to decide when the actual plans are submitted to them.

As to the number of rooms that can be placed there is a decision for the Central Planning Authority, based on the size of the lot on which they propose to build a hotel. We have building restrictions and other restrictions that must be adhered to by any developer. I am sure that when the time comes these will be applied by the Central Planning Authority as they do with other applications.

MR. TRUMAN M. BODDEN: Did the Member not regard it as relevant to know the extent and the size of the hotels that could be built on these sites? This must materially affect the moratorium.

HON. W. NORMAN BODDEN: Mr. President, both of these projects are still in their development stage. I did not investigate to say exactly the number of rooms that were proposed to be built in these hotels or on these lots that were earmarked for hotels. It could very well happen since the moratorium has been placed for a specific period of time, for three years.

It will be left to the Government of the day to decide whether they want to extend it or terminate it earlier or whatever, and to be quite honest it is quite possible that the moratorium could well expire before any of these hotels that we are talking about are even built.

MR. GILBERT A. McLEAN: Mr. President, would not the Member agree that to allow hotels to be built on the Seven Mile Beach area would defeat the whole purpose of the moratorium that has been placed by this Honourable House? Since there is no actual conceptual drawings of any hotels to be placed on these sites, that in fact, approval could not be given by the Central Planning Authority for the building of hotels there, in the light of the moratorium?

HON. W. NORMAN BODDEN: Mr. President, I cannot agree with that. I can only say that Government and the Central Planning Authority, the advice I received from them, was that it was felt that Government should honour a commitment that was made to developers before a moratorium was ever thought about. So I cannot agree with what the Second Elected Member from Cayman Brac and Little Cayman is asking. I think I explained earlier that the approval was not for actual hotel plans that had been submitted. It was an acknowledgment that approval had been given for future development of hotels as identified in both of those projects.

MR. PRESIDENT: Perhaps we should move the suspension of Standing Orders, first. It is after 11:00 o'clock.

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

HON. THOMAS C. JEFFERSON: Mr. President, under Standing Order 83, I move the suspension of Standing order 23 (7) and (8) to allow the other questions and supplementaries to be taken.

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

The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, could the Member say what is the difference between an area on Seven Mile Beach that is zoned for hotels and exempt areas which I understand have merely the zoning approval but no building approval?

HON. W. NORMAN BODDEN: I wonder if the Member could repeat the question, Mr. President. I did not get all of it.

MR. TRUMAN M. BODDEN: Yes, Sir.
What I am really asking is, what I understand from you is that the Central Planning Authority has approved the zoning of areas within these projects. I am asking you, what is the difference between that zoning and all the other areas that are zoned for hotels?

HON. W. NORMAN BODDEN: Mr. President, my reply to that would be that it is zoned for tourist development. It does not affect condominiums or any other tourism accommodation or resort type accommodation, it is only related to new hotel development.

MR. PRESIDENT: First Elected Member for Cayman Brac and Little Cayman.

CAPT. MABRY S. KIRKCONNELL: Mr. President, I wonder if the Honourable Member would confirm if my understanding is correct that when a developer puts a plan in for a major development he requests outline planning permission at which time he indicates residential, commercial, public open space and all his road network; that the permission is then granted that it can be used for those purposes; that at a later stage, in conjunction with the Department of Tourism, the Local Companies (Control) Law, the Caymanian Protection Board, the Central Planning Authority and all, it will be decided exactly whether that type of hotel is necessary; but the developer, in order to justify his investment, is guaranteed that the property can be used for what is approved in the outline planning?

HON. W. NORMAN BODDEN: Mr. President, that is exactly as I understand the procedure and the commitment that is made to developers. I think it would be very misleading, unprofessional and unbusiness-like for any Government of any country to encourage a developer to come in, spend millions of dollars on property that real estate agents make big commission on, to indicate to them in principle that they can use that property for a specific purpose and then turn around, and because Government has taken a position in a certain area, say to them, well we are sorry, but you cannot, after spending all that money, build the type of building on that property that we told you two or three years ago that you could do. This is not the practice or intention of this Government, Mr. President.

MR. TRUMAN M. BODDEN: Mr. President, I am going back to this. Does the Member not agree that a person who comes and buys an already zoned hotel piece of land, invests those same millions of dollars, should be treated any differently? Do you agree that we are dealing here with a zoning rather than planning approval, and what is relevant is the zone of the land, regardless of whether it is zoned in the Development Plan, or whether it is a re-zoning by the Central Planning Authority?

Do you agree there is no difference there to the millions of dollars that you would pay for an already zoned piece of land, compared to one that you get re-zoned?

HON. W. NORMAN BODDEN: Mr. President, we are not only dealing with zoning, but we are dealing with change. If a piece of property is zoned for a specific purpose whether it be tourism, commercial, residential or whatever, and the person purchasing that property receives in principle approval to develop that property along the lines for which that property is zoned, I see nothing wrong with that or no argument is created because of that exercise. Where the problem arises is if a change is made that affects or misleads the investor, be they local or otherwise, on a particular piece of property.

This is my understanding and I do not follow what the Third Elected Member for George Town is talking about zoning. There are different zones and nobody has changed the zoning to accommodate either of these projects. Those projects were zoned for tourism development and approved in principle for hotel development and nothing has changed. I do not see why the issue has to be confused by a change in zoning, nobody has made any change. They are only honouring a commitment that was made.

MR. PRESIDENT: I think the House has thrashed this pretty thoroughly.
The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Yes, Mr. President.
I wanted to ask the Member if he is aware of any other hotel projects, other than the ones mentioned, which have been given approval and may now be lying dormant but may be constructed shortly?

MR. PRESIDENT: I think that this, must under the original question, still refer to the Seven Mile Beach, because as I said earlier.....

MR. G. HAIG BODDEN: Yes, yes, Sir.

MR. PRESIDENT:

Fine, thank you.

HON. W. NORMAN BODDEN:

To the best of my knowledge, Mr. President, the Central Planning Authority, has received application for one hotel in that area and no decision to the best of my knowledge has been taken by the Central Planning Authority on this project. That is as far as I can advise the House on that, Sir.

MR. PRESIDENT:

Brac and Little Cayman, please.

Question No. 102, the Second Elected Member for Cayman

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION ENVIRONMENT RECREATION AND CULTURE

NO. 102: Would the Honourable Member say what is the process by which Government decides the award of a scholarship and what requirements must be met by an applicant?

ANSWER: The award of a scholarship from the Education Council is a simple process.

Application forms are available from the Education Department, Teachers' Centres or the High Schools. These forms, when duly completed, are returned to the Education Department in compliance with the requirements as set out under the Education Law and the scholarship guideline, as appended hereto.

(APPENDIX)

PART IX - SCHOLARSHIPS AND GRANTS

Scholarships.

41.(1) *The Council may from time to time upon such conditions as it may deem fit from public funds allocated for the purpose provide scholarships or loans or both to assist in the education maintenance and transport of pupils who are undergoing or proceeding to undergo courses of instruction either in the Islands or abroad at any institution approved by the Council and may withdraw such scholarships.*

(2) *The Council shall arrange for the award of scholarships, competitive scholarships or loans, or both according to the financial allocations for this purpose made from time to time or from grants or any other source. Scholarships may be awarded fully or in part and upon such conditions as the Council may deem fit. The financial means of the parents or guardian of the candidate shall be taken into account in the award of any scholarship. A bond shall be executed by the parent or guardian of the person awarded a scholarship by the Government and by that person in the form that Government may from time to time determine.*

(3) *The Council may make recommendations to the Caribbean Development Bank that funds may be loaned to the student subject to such regulations as may be issued by the Bank from time to time.*

Requirements for scholarships.

42. *The general requirements to be satisfied by a candidate for a scholarship shall be as follows :-*

- (a) *He shall have passed the qualifying entrance requirements to the institution that he intends entering;*
- (b) *He shall have been accepted or accepted conditional upon the grant of a scholarship or loan as a student at the institution;*
- (c) *He shall have been born of parents one of whom has been born in the Cayman Islands or shall have Caymanian Status; and*
- (d) *He shall have been domiciled in the Cayman Islands during the five years immediately preceding his application.*

Subject areas of scholarships.

43. *The Council may from time to time draw up particular requirements for the award of scholarships and may specify the subject areas for which an award is offered after considering manpower requirements of these Islands which shall be specified from time to time by the department of Government responsible for personnel matters.*

No change in institution without permission.

44. *A recipient of a scholarship shall not be permitted to make any change in the institution attended or course of study approved without the prior permission of the Council.*

**EDUCATION COUNCIL
OF THE
CAYMAN ISLANDS
REQUIREMENTS FOR AWARD OF SCHOLARSHIPS**
(Non-degree, degree, post-graduate studies)

The student shall -

- (a) comply with Part IX of the Education Law, 1983, section 41-45 (see above);*
- (b) be 18 years of age or older or reach the 18th birthday during the calendar year that studies commence for an overseas scholarship; or*
- (c) be not less than 16 years of age in the case of a local scholarship;*
- (d) supply -*
 - 1. Satisfactory character references on the prescribed form as follows:*
 - (i) for school leavers:*
 - a. Principal or Year Head.*
 - b. Careers Teacher or Counsellor.*
 - c. Employer or mentor in the chosen field.*
 - d. One other.*
 - (ii) For applicants over 21 years of age*
 - a. Employer.*
 - b. Two others.*
 - 2. School Records (including transcript) References should be completed on the form prescribed and should come directly from the referee to the Education Council. The Council retains the right to contact referees directly.*
- (e) be recommended by the Interview Panel (which will include the head of department for the respective area of study) established by the Education Council for that purpose.*
- (f) meet eligibility/academic requirements*
 - 1. For academic courses*
 - a. Students from a British system school must have at least five (5) GCSE passes (one of which must be Maths, Science or a Foreign Language) of not less than 'C' grade or equivalent AND a composite SAT score of at least 850. A minimum of three subjects must be passed at any one sitting.*
 - b. Students from an American system school must have a high school diploma with at least a 2.75 average over the last two years of high school AND a composite SAT score of at least 850.*
 - c. Applicants for academic courses who did not initially meet minimum requirements, may be considered for financial assistance if they -*
 - (i) are at the time attending an approved institution; and*
 - (ii) have maintained an overall GPA of 2.50 or above in a minimum of 12 credit hours or equivalent with no failures at that institution for their first year and 3.00 in a minimum of 15 credit hours or equivalent with no failures thereafter.*
 - 2. For non-academic courses applicants not in possession of (a) or (b) must -*
 - a. have at least Grade D in the GCSE or equivalent in a numerate subject and*

English, or

- b. *demonstrate proof of basic skill in numeracy and English, or*
3. *Be accepted by an institution approved by the Education Council for the relevant course.*
- (g) *provide proof of Caymanian status.*
- (h) *demonstrate financial need.*
- (i) *provide a medical certificate.*
- (j) *in the case of applicants for the post graduate scholarships, have completed at least 2 years employment in a related field.*
- (k) *make application by the 31st March for scholarships/award for the ensuing academic year.*
- (l) *have completed foundation courses if available on the island, with an acceptable level of attainment, or have demonstrated expertise on the job verified by an employer.*
- (m) *provide a financial statement on the prescribed form (application).*
- (n) *sign the prescribed student bond.*
- (o) *secure two sureties to the bond. No two members of the student's immediate family will be accepted as sureties. (Immediate family means spouses, parents, grandparents, siblings.) No person may be a surety for more than one scholarship recipient.*

SUPPLEMENTARIES:

MR. PRESIDENT:

Supplementaries.

Could I just explain again that usually the Chair tries to give the first supplementary to the original questioner. It is not an inflexible rule but normally we do this and this is rather a long additional set of papers so I was giving plenty of time.

Supplementaries, then.

MR. GILBERT A. McLEAN:

Mr. President, would the Member say or speak to the latter part of the question, what requirements must be met by the applicant?

HON. BENSON O. EBANKS:

Mr. President, the requirements are included in the attachments. I referred to that in the question. I said "**are return to the Education Department in compliance with the requirements as set out by the Education Law and the scholarship guidelines as appended hereto.**", and the full guidelines and legal requirements are attached.

MR. PRESIDENT:

First Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, I am wondering if the Member could say whether the Council gives any directions, as far as the award of educational loans, to the AIDB?

HON. BENSON O. EBANKS:

No, Sir, the Council does not.

MR. PRESIDENT:

First Elected Member for Bodden Town, I do apologize, you were looking down when I was looking to catch your eye.

MR. ROY BODDEN:

I was despondent at being passed up, Sir. Thank you. (laughter) I would like to ask the Honourable Member, am I to understand that the awarding of a scholarship is conditional upon the student being accepted at a university? And, if my understanding is correct there, have there been any cases where the student, having been accepted by a college or university, has been denied a scholarship by the Education Council?

HON. BENSON O. EBANKS:

Mr. President, 42 (b) on the attachment says, I am referring to the candidate;

"He shall have been accepted or accepted conditional upon the grant of a scholarship or loan as a student at the institution;"

Now, if the individual has been accepted at an institution but does not have the academic requirements as laid down by Council well then it is possible that the application is refused.

- THE PRESIDENT:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** Thank you very kindly, Mr. President.
The logical question to ask then is, what is being done to address this obvious anomaly?
- HON. BENSON O. EBANKS:** Mr. President, the obvious anomaly is that it is created by the fact that there are colleges and universities and universities and colleges. If the person has been accepted at an institution but has not the minimum requirements laid down by the Education Council, then I believe the Council is rightly entitled to assume that maybe the institution that the person has been accepted at is not an institution that the Council would be in favour of giving a scholarship to, in any event.
- MR. PRESIDENT:** The Second Elected Member for Bodden Town.
- MR. G. HAIG BODDEN:** Mr. President, may I ask the Member what is the reason for the last sentence in the attachments? It says, "*No person may be a surety for more than one scholarship recipient.*" What I am getting at is, if a person is of substantial means, could that person be a surety for more than one scholarship recipient?
- HON. BENSON O. EBANKS:** Simply, Mr. President, that people have no hesitation in signing guarantees or sureties as is written here. But when it comes to having to repay them, then it is another matter.
Secondly, some of these scholarships amount to \$50 or \$60,000 and it is considered by the Council that one guarantee is enough to have hanging over one's head. We have never experienced any problem with getting enough people to sign guarantees without having them duplicated.
- MR. ROY BODDEN:** Mr. President, I am requesting from the Honourable Member an undertaking so that we can avoid the kind of situation which was brought out in the answer to the question I asked. That is, that the Council and the Portfolio prepare and publish a list of institutions - and it will take some time I appreciate - which they recognize and will award scholarships to. Because it is rather disappointing and it can be a setback on a student which will haunt them for the balance of their lives, that they are accepted in a college but cannot get a scholarship. So, could such a list be made available and while I appreciate it may not be exhaustive, it will provide the guidelines so that students can know what type of institution to apply to?
- HON. BENSON O. EBANKS:** Mr. President, I believe that is a specific question on the Order Paper, but I would give the Member an answer if you would permit me to, Sir.
- MR. PRESIDENT:** By all means, I am sorry I cannot recollect if there is such a question down. I do not have the full....
- HON. BENSON O. EBANKS:** I think the question is something to the extent, would Government give a list of approved institutions that it will grant scholarships to?
- MR. PRESIDENT:** Indeed, it does appear there is such a question down. So perhaps we should wait.
- MR. ROY BODDEN:** I will defer it then, Mr. President.
- MR. PRESIDENT:** Thank you. I think it is a specific question. It should come when it appears on the Order Paper.
The Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** Mr. President, I would like to ask the Member, who is the interview panel comprised of normally? You referred to an interview panel in paragraph E on page two. Sorry, to the appendices, in there, there are requirements for award of scholarships little in that.
- HON. BENSON O. EBANKS:** Yes, Mr. President. It is normally the Chief Education Officer and at least two other Members of the Council. Recently Council has taken the decision that it would be helpful to have the Head of the relevant department in Government, of the discipline in which the applicant would be working upon return.
- MR. TRUMAN M. BODDEN:** Mr. President, can the Member say whether these requirements are made public, for example, through the newspaper from time to time or whether they are merely given out as an applicant applies?
- HON. BENSON O. EBANKS:** These are published from time to time, Mr. President. In fact, they are in the form of Regulations. Some of these are renewed or revised requirements and we are in the process of having these printed at the moment.
- MR. W. McKEEVA BUSH:** In an answer awhile ago, Mr. President, the Member said that

the Council does not give directions to the AIDB. Can he say where does the AIDB get its directions?

HON. BENSON O. EBANKS: Mr. President, annually, I think it is each January, AIDB publishes a list of subjects for which it is prepared to grant scholarships for. This corresponds almost with the same list of priorities set by the Education Council. But then the AIDB is required to act in accordance with the terms of the loan which they have from Caribbean Development Bank to fund these scholarships. Infrequently, but sometimes, AIDB finds itself in a position with money of its own that it can grant scholarships from those funds outside of the restrictions imposed by the Caribbean Development Bank.

MR. W. McKEEVA BUSH: Does the Member think it right, Mr. President, for the AIDB to tell some applicant that because they were turned down by the Council, the AIDB cannot grant them a scholarship?

HON. BENSON O. EBANKS: It would depend on the reason why the applicant was refused by the Council. If it was a justifiable reason I would take my hat off to the AIDB for turning them down.

MR. W. McKEEVA BUSH: If the person was very credit worthy, would that not signify that they could get a loan or a grant?

HON. BENSON O. EBANKS: I do not operate the AIDB, Sir, nor am I responsible for it, but I would not think that credit worthiness is of itself a criterion for granting a scholarship.

MR. W. McKEEVA BUSH: Can he say what is the criteria?

HON. BENSON O. EBANKS: Mr. President, I would refer him to the attachments which I gave him to the original question.

MR. PRESIDENT: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Mr. President, I would like to ask the Member if he is satisfied with the system now in place for the selection of persons to be granted scholarships? And indeed, how it relates to the AIDB, if it is performing in the way that it should, giving the greatest chance to students? Does he envisage that it needs some improvement and if anything is being done to review how it is now functioning?

HON. BENSON O. EBANKS: Mr. President, I wonder if the Member could repeat that question? I am not sure if he is talking about the AIDB's Rules and Regulations or the Education Council's.

MR. GILBERT A. McLEAN: Mr. President, I was actually speaking about both, and I think there is a relationship with the Member's Portfolio. I was asking if he is satisfied as the Member responsible, with the present system in place, for the award of scholarships? Is it allowing the opportunity to students or applicants who are interested in scholarships to optimize on the opportunity? If not, is he doing anything to review the situation?

HON. BENSON O. EBANKS: I am satisfied, Mr. President, that the revised guidelines and regulations are adequate, sufficient and need no further review at this time.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I believe, Mr. President, that the Honourable Member just answered my question. However, I am going to try to ask it in a different way.

Is the Member, in giving that answer, admitting then that there is nothing to be gained from a liaison between the Education Council and the AIDB in the awarding of scholarships?

HON. BENSON O. EBANKS: Mr. President, obviously in the answer I gave to the question asked earlier by the First Elected Member for West Bay, there is a liaison, otherwise the AIDB could not have given that as the reason for refusing somebody a scholarship. The reason that they have been turned down by the Education Council is that they were not prepared to consider the application.

MR. PRESIDENT: The First Elected Member for West Bay,

MR. W. McKEEVA BUSH: Mr. President, the Member referred me to the guidelines attached to the original answer to the question. However, this attachment here, as far as I can see, says nothing about a criterion for AIDB. It deals with the Education Council. Can the Member say what is the criterion of the AIDB?

HON. BENSON O. EBANKS: Mr. President, I said earlier that my Portfolio is not responsible for the AIDB. I happen to know that the AIDB uses these regulations and criteria in addition to certain restrictions and conditions that are imposed by the terms of their funding from Caribbean Development Bank. I went into great pains to say that awhile ago, Sir.

- MR. W. McKEEVA BUSH:** Mr. President, who gives the AIDB its direction to use these guidelines?
- HON. BENSON O. EBANKS:** Its Board of Directors, Mr. President.
- MR. W. McKEEVA BUSH:** And that has no bearing on the Education Council?
- HON. BENSON O. EBANKS:** Mr. President, I just told him that these guidelines and directives were made by the Education Council, so if the Board of Directors adopt these they are adopting the principles and policies as laid down by the Education Council.
- MR. PRESIDENT:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Last question, Mr. President!
Could the Member say if a student having received a scholarship and attending a particular university can have that scholarship withdrawn or affected because of a subjective decision by the Education Council that the conditions at the time of entry of that student in the university has changed?
- HON. BENSON O. EBANKS:** Would you repeat that question please?
- MR. GILBERT A. McLEAN:** Mr. President, I am asking the Member if a student can have his scholarship affected and perhaps even withdrawn if the rating or the conditions of the University at the time he entered it, changed; and if that is solely at the discretion of the Education Council?
- HON. BENSON O. EBANKS:** What Education Council has adopted in those instances, Mr. President, is to advise the student to change back to at least a more competitive university. It has never withdrawn the scholarship as such because we have not been faced with the situation.
- MR. GILBERT A. McLEAN:** Mr. President, would the Member say if some students have not come up against hardship because of that action of the Education Council, on the basis that a university is no longer competitive and, what does the Member determine or consider as being competitive? How can a university go from good to bad in one academic year?
- HON. BENSON O. EBANKS:** That is what the Education Council would like to know, Sir. But this question of whether a university is competitive or not is merely the rating given to it by the rating associations in the United States and published in the Guides to Institutions such as the Education Council and to students. You have non-competitive, competitive, more competitive, most competitive and excellent or something like that is the rating, Sir.
- MR. ROY BODDEN:** Mr. President, as a result of a private exchange between the Honourable Member and myself, I would like to ask the Honourable Member to give an undertaking that the Education Council and the AIDB, get together. Because, from a question I asked him privately, they are competing now against each other. I think that is to the detriment of the applicants and I would like to, if he wishes, to explain privately when we take the break how the process could be streamlined. I think there is a need, Sir. I would like him to give me the undertaking that he will try to streamline the process further so that the applicants may benefit.
- MR. PRESIDENT:** The question is for an undertaking.
- HON. BENSON O. EBANKS:** Mr. President, I do not believe that there is any competition between the AIDB and the Education Council. But even if the AIDB could, shall I say, enter into competition with the Education Council, I do not have a problem with that. That is as far as granting scholarships is concerned and once I know they are adhering to the same guidelines, that means there is more money that is available for scholarships. But, I am not prepared to give any undertaking. What I would suggest to the Member, who is a Member of Education Council, is that he attend the meetings of the Education Council and give the Council the benefit of any knowledge or information that he might have. I am quite prepared to accept the information personally myself on a one-to-one basis. It would be more valuable if he would attend the Education Council's meetings and give the information there.
- MR. ROY BODDEN:** Mr. President, I would like to ask the Member (if his memory serves him correctly), if I did not give some information on how the Council could be better streamlined and nothing has been done?
- HON. BENSON O. EBANKS:** Mr. President, I doubt that and in fact his attendance has been so infrequent that it is difficult to remember when he was there.
- MR. PRESIDENT:** I think we should go to the final...the First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, at a risk of being insulted, where does the guidelines come from as far as what are competitive and non-competitive colleges and universities in the United States or elsewhere?

HON. BENSON O. EBANKS: Mr. President, I thought I said from publications in which they were listed.

MR. GILBERT A. McLEAN: Mr. President, would the Member say what are the criteria used to determine whether universities are competitive, excellent or whatever?

HON. BENSON O. EBANKS: We go by the rating ascribed to it in the Guide. Now it is a very complicated thing. If you want to get into, shall I say, the rating of universities because you have about 10 different rating Boards in the United States or Councils or whatever. Some are rated by association of the universities, some are rated by the programmes that they offer, some according to their accommodation and facilities and I believe some are based on the type of faculty which they have. But, that is why we say, there are universities and colleges and colleges and universities.

This was really the reason why I wanted to answer the question previously asked by the First Elected Member for Bodden Town, because it is the intention of the Education Council, during the course of the next couple of months, to send some members of the Committee, if not the whole Council, to visit most of these universities, at least in the southern United States and possibly Canada, where our students go. The Council would then try to narrow down the number of universities to which students go and ensure that they are going to the best universities that are available to us.

MR. GILBERT A. McLEAN: Mr. President, would the Member consider not sending the whole Education Council but selecting one person who perhaps has the ability to go and bring back the information to him? That is (a) assess the situation that is used, the data that is assessed or analyzed by the various associations to determine a rating for the universities?

HON. BENSON O. EBANKS: Mr. President, we are aware of that, we are aware of what is used. I told him the various things, I just did not want to get into it. That is why in the United States you will hear that a university situated in area 'X' is of a higher standard than of a university rated under 'Y'. We have it but it is a long complicated thing. I could bring a book and read it to him, or, give him another copy of that so he would have more to read.

MR. W. McKEEVA BUSH: The Member keeps referring to a Guide or a book. Which book is he talking about?

HON. BENSON O. EBANKS: We actually use Barons Guide at the moment.

MR. W. McKEEVA BUSH: Is that a well recognized person or company or association?

HON. BENSON O. EBANKS: It is a comic book.

MR. W. McKEEVA BUSH: Mr. President, that does not surprise me the way the Member has been answering his questions. (laughter)

MR. PRESIDENT: I really think...

HON. BENSON O. EBANKS: Mr. President, I told the Member what the book was before.

MR. PRESIDENT: I think the House should go to the final question on the Order Paper, that must have been a record for supplementaries.

The Second Elected Member for Cayman Brac and Little Cayman, Question No. 103.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION ENVIRONMENT RECREATION AND CULTURE

NO. 103: Would the Honourable Member say what regulation and supervision is in place to monitor dredging operations in the Cayman Islands, and which official body approves dredging licences?

ANSWER: The regulations or conditions by which a coastal works' licence is granted are determined by the recommendations made by both the Central Planning Authority (CPA) and the Coastal Works' Advisory Committee (CWAC).

The CWAC is the official body responsible for the monitoring of coastal works' projects. The

members of the Committee are as follows:

Mr. A.C.E. Long - Chairman
 Mr. David Vousden - Secretary, Scientific Officer
 Mr. Peter Barlas - Coastal Planner
 Mr. Davis Borden - Dredging Consultant.

Each application is submitted to the CPA, via the Planning Department, and is accompanied with comments on the possible environmental impact of the proposed project from the Coastal Planner of the Planning Department and the Natural Resources Laboratory.

Upon approval by the CPA, the application is then sent to the Portfolio for presentation to the CWAC for its recommendations to Executive Council which is the official body that grants approval for coastal works' licences.

SUPPLEMENTARIES:

- MR. PRESIDENT:** Supplementaries.
- MR. GILBERT A. McLEAN:** Mr. President, would the Member then confirm that the various licences which have been granted for dredging has been granted by the Executive Council, to date?
- HON. BENSON O. EBANKS:** Yes, Sir. Anything that is outside of the person's land, once it affects the coastline or beyond.
- MR. PRESIDENT:** The First Elected Member for West Bay.
- MR. W. McKEEVA BUSH:** So it was Exco, Mr. President, who approved the dredging on the Seven Mile Beach?
- HON. BENSON O. EBANKS:** I wonder if the Member could refer to what dredging he is talking about, Mr. President?
- MR. W. McKEEVA BUSH:** Mr. President, I believe the Member just assumed responsibility, he ought to know what piece I am talking about.
- HON. BENSON O. EBANKS:** Mr. President, he must say specifically what he is talking about. As far as I know, if we are including the peninsula there are several dredging jobs going on down there.
- MR. W. McKEEVA BUSH:** Mr. President, there is a difference between the beach and swamp.
- MR. PRESIDENT:** I do think it would be necessary for you to state which specific project you are talking about. Otherwise the Member can reasonably say he cannot reply.
- HON. BENSON O. EBANKS:** Mr. President, I am sure I understand what he is talking about. He is talking about the two or three days' work that was done to clear some rocks from in front of a piece of beach near to the Ramada Inn. Yes, Executive Council gave permission for that, nobody else could give it.
- MR. PRESIDENT:** Is that in fact the project to which you refer?
- MR. W. McKEEVA BUSH:** Mr. President, I had said on the Seven Mile Beach.
- MR. PRESIDENT:** Any further supplementaries?
- MR. W. McKEEVA BUSH:** I am wondering whether it was Council, Mr. President, that rejected the proposal by Mr. Jackson of West Bay?
- HON. BENSON O. EBANKS:** Mr. President, I am informed that the Portfolio which originally handled this has no knowledge of an application from any Mr. Jackson. I do not know if he could elaborate as to what he means?
- MR. W. McKEEVA BUSH:** Well, Mr. President, the Member now in charge, the Member answering ought to know. Because he went and saw the man himself.
- HON. BENSON O. EBANKS:** Yes, Mr. President, that is why I was asking him, because I know that there was an advertisement in the newspaper, but to the best of my knowledge it did not go beyond that.

- MR. W. McKEEVA BUSH:** Did the Member answering the question visit the man, Mr. President?
- HON. BENSON O. EBANKS:** Mr. President, that is my business who I visit. That does not have anything to do with Executive Council and the granting of permits. If he wants to talk about the application I am prepared to answer those questions.
- MR. W. McKEEVA BUSH:** Mr. President, my question was, if he went to visit the man with regards to the proposal for dredging?
- HON. BENSON O. EBANKS:** It was not my responsibility in those days, Mr. President.
- MR. W. McKEEVA BUSH:** But you went and saw the man, I know it was not your responsibility. Can you say whether you went to see the man with regards to that proposal or not?
- HON. BENSON O. EBANKS:** As an individual I visited the gentleman.
- MR. W. McKEEVA BUSH:** Did you talk to him concerning the dredging proposition or did you not talk to the man?
- HON. BENSON O. EBANKS:** That is none of your business!
- MR. W. McKEEVA BUSH:** Mr. President, I am asking the Member because he was in Executive Council if he went to see the man, now that he has assumed responsibility for the project. Tell the House the truth! Did you talk to the man in connection with the proposition or did you not?
- MR. PRESIDENT:** The original question was in regard to whether Executive Council had refused an application. This seems to be quite a different issue.
- MR. W. McKEEVA BUSH:** Well, I asked that so I could get my other answers out and he fell into the trap. I am sorry.
- MR. PRESIDENT:** I think the question is disposed of. Proceedings are suspended for 15 minutes.

AT 11:48 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 12:13 P.M.

- MR. PRESIDENT:** Proceedings are resumed.
Item 4 on the Order Paper, Private Members Motions.
Private Member's Motion No. 13/90, the Elected Member for East End.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 13/90 EASTERN DISTRICTS' AMBULANCE SERVICE

- MR. JOHN B. McLEAN:** Thank you, Mr. President.
Mr. President, I am pleased to move Private Member's Motion No. 13/90 entitled, Eastern Districts Ambulance Service, which reads:

"WHEREAS Finance Committee has appropriated funds for the establishment of an ambulance in the Eastern Districts which is necessary and urgent;

AND WHEREAS it is considered that it should be placed in Frank Sound for certain reasons including the fact that it is central to the Eastern District;

BE IT THEREFORE RESOLVED THAT Government station the ambulance at the Frank Sound Fire Station;

AND BE IT FURTHER RESOLVED THAT Government consider building the necessary

buildings and other related matters in Frank Sound for the ambulance and that they do so urgently."

MR. ROY BODDEN:

Mr. President, I respectfully beg to second the motion.

MR. PRESIDENT:
seconded.

Private Member's Motion No. 13/90, has been duly moved and

Does the Mover wish to speak to it?

MR. JOHN B. McLEAN:

Yes, Mr. President.

Mr. President, the motion is a very important one. It is asking for two things. One is that Government station the ambulance, for which funds were appropriated in the last Budget, at the Frank Sound Fire Station.

Secondly, that a building and other related matters be considered by Government to be constructed in the same area to house the vehicle.

My reason for this is it is felt that this is the most central point and since Government has already the Fire Station and property there it would be an ideal place to do this.

The reason for selecting this area is that one would have seen quite recently when we had an accident on the Queen's Highway what took place. The time that passed before an ambulance arrived on the scene - and here I am not saying this would have saved the lives of the individuals who died, but what I would say is that it would have saved the time that it took to get the two who were hurt to the hospital if we had this ambulance stationed at a point like Frank Sound.

As I have stated many times, there are many dangers in having to transport an ambulance from George Town to East End, North Side or Bodden Town because of the dangerous way that the vehicle has to be driven in an effort to save time and also the time which it takes to come up, and the time which it takes to have to come back on the same journey.

The Member with the responsibility I am sure is aware of the feelings of the people in the Eastern Districts. It is my understanding that at the scene of the same accident some feelings were put forward as to the urgency of having the ambulance service established out there. It is my hope that through him his Executive Council will see fit to support this Motion and I give them the assurance that this is not politics; it is out of care for my people, the people of East End especially, and indeed the people of North Side and Bodden Town.

I am also aware that we have not budgeted funds for the second resolve part of my Motion, but on many other occasions during the year we have had to go back to Finance Committee for supplementary funds and I believe that this matter is important enough for us to refer this also to Finance Committee for consideration.

Speaking of the staff which will be involved to operate this ambulance service I believe, if again it is placed in the area as I have suggested, that clinics in other Eastern Districts, East End, Bodden Town, or North Side on very busy days could perhaps utilise a nurse to assist in those areas and of course this would have to be done with the full consent of both services concerned.

I know that I could easily suggest that the ambulance be placed at the clinic in East End, but I am not at all selfish and furthermore, I do not feel it would be fair to the other districts. I am hoping that we could definitely come to a decision and let us put this where it would serve the purpose for each and everyone of the Eastern Districts.

Thank you.

MR. PRESIDENT:
Cayman.

The First Elected Member from Cayman Brac and Little

CAPT. MABRY S. KIRKCONNELL:

Thank you, Mr. President.

Private Members Motion No. 13/90, is a motion which has had much debate on the establishment of ambulance services in the Eastern Districts of this Island and I support that it is very necessary.

I would like to recommend from a professional point of view, that where this ambulance is established proper clinical facilities be established along with it. From my experience, over 80 per cent of persons needing casualty care or emergency treatment, as it is termed in the U.S.A., arrive at the emergency room on their own accompanied by people arriving in private cars and not ambulances.

Therefore, to have three nurses, EMT's, stationed on a 24-hour basis just waiting on a call, which there may be none for a period of months, it is our hope that none would ever be necessary, but unfortunately that is not the case in a modern society.

The location I will not get involved in as those who live in that area are far more acquainted than I am. I am addressing this Motion from the professional experience that I have had while working in Casualty of hospitals.

I feel it is essential, as I said before, that we provide a facility since we will have paid staff on duty 24 hours per day, 365 days a year and that we utilise them to their very best ability in providing a service for the Eastern Districts of this Island, which has long been needed.

I leave it to the Honourable Member responsible for Health and Social Services to make the recommendations of how this can be accomplished. I would like to make these suggestions by saying that I feel it is imperative that as soon as this ambulance arrives on the Island, other facilities should be in place so that the service can be implemented.

Thank you, Mr. President.

MR. PRESIDENT:

The Honourable Member for Health.

HON. D. EZZARD MILLER:

Mr. President, let me hasten to add that I have always, like the Elected Member for East End, supported improvements to the Health Services for the Eastern districts including the establishment and provision of a properly staffed and equipped ambulance service.

Now, let me give some history on the most recent developments for an ambulance service in the Eastern District. In December 1989, during the Finance Committee's detailed deliberations on the 1990 Budget, the Member for East End, supported by the two Members from Bodden Town and other Members of the Backbench, decided to locate an ambulance service at the Frank Sound Fire Station.

That is borne out from the Minutes of the Standing Finance Committee held on the 13th of December 1989, at 10:20 A.M., in the Committee Room of the Legislative Assembly Building, George Town, Grand Cayman.

The first motion that they moved was to add \$35,000 under Head 40, sub-Head 008, to provide an ambulance to be staffed by an estimated six members, who at that time could have been volunteers, and to locate it at the Frank Sound Fire Station to service East End, Bodden Town and North Side.

I pointed out during the deliberations that a properly equipped ambulance would cost \$45,000 and it would need nine staff to operate it properly in the form of three nurses, three Grade 2 ambulance officers, and three Grade 1 ambulance service officers.

They accepted that and accordingly the motion was moved by the Chairman of Finance Committee that the sum of \$45,000 be approved for the purchase of an ambulance, to be stationed at the North Side Fire Station for use to the Eastern districts, and that the cost for nine staff to man this service be approved and such service be introduced as soon as possible.

The implementation of such service should be introduced in conjunction with the decisions of the Chief Fire Service Officer, and that is found on page 6 under Item 3, of the Report of the Finance Committee.

Under Head 29, Medical Health Services - New Services, the Chairman moved that Head 29 be increased by \$125,000 in respect of various sub-Heads as recommended by, and I am quoting, Sir, "Mr. Franklin Smith, Mr. Roy Bodden, and Mr. John McLean, three ambulance service officers, three registered nurses on the N3 Scale, and three ambulance service officers for the Eastern Districts".

In the past, the ambulance service provided by the Hospital has been basically a pick-up and a transport service. Had the ambulance service still been of that mode it might have been possible to staff it with volunteers but the ambulance service has been improved over the years and it has grown to a very professional paramedic service. The staff who accompany the ambulance on a call can render many life-saving actions on the scene of the accident to a victim or other victims which they are attending to. They are equipped with several pieces of life-saving equipment, such as life packs for heart attack and shock victims, I.V. fluids, which they can administer for shock victims and things like life-saving splints etcetera, which if applied properly, in some instances can save, for example, in a neck injury, paralysis.

On the other hand, putting all of this equipment in the hands of non-qualified persons can be very dangerous and in many instances, life threatening.

Let me first deal with the purchase of the ambulance. The ambulance has been ordered through the Central Funding Scheme since March 1990 and the expected date of delivery is September 1990.

The second item, is the recruitment of staff to provide the service, and this is presenting quite a problem. The vacant posts for this ambulance service were advertised in the Caymanian Compass during the month of April 1990. To date, there has only been one local applicant who did not attend a scheduled interview. Therefore, it appears that the Government, through the Public Service Commission, will be unable to find local people to fill the post and it appears that recruitment will have to be attempted overseas.

All enquires made in the areas of normal recruitment, that is, the United States, Canada, United Kingdom and some Caribbean territories, indicate that the present salary scales being offered will not attract trained and experienced people. I am also told that the present level of remuneration for ambulance officers is not of the grade approved by Public Service Commission for overseas recruitment. I understand from the department responsible that the upgrading of the salary scales for ambulance service officers is now under consideration and has been actually started, and in fact, it was part of their recommendations in the recent Civil Service Salary Review, but unfortunately it was not accepted at that level. However, we are still hopeful to convince the Public Service Commission of the need to upgrade these salary scales for two reasons.

Hopefully we will get local people who are interested and, at the very least, we will then be in a position to recruit qualified people from overseas because we do not cotton to the idea of recruiting non-qualified people, bringing them here and then training them. We prefer to do that with our own people who can move up the career ladder. We are still very much hopeful that the staff will be put in place by the time that the ambulance arrives in September.

Now, to deal with the location of the ambulance service. In order to arrive at a decision as to where the best possible location was to put the ambulance, the following aspects were considered: (1) distance to victim and on to hospital; (2) ability to utilize staff as efficiently and effectively as possible.

In order to determine which of the three districts, that is, Bodden

Town, East End and North Side, best suited these two criteria, a team visited all three district clinics on 6th February, 1990. This team was made up of the Principal Secretary of Health and Social Services; the Medical Officer for Health, who has responsibility for district clinics; the Chief Nursing Officer; the Ambulance Service Supervisor and staff.

On the first criteria, that is distance to victim and hospital, Bodden Town was eliminated because any distance travelled to the victim beyond Bodden Town would be duplicated on the return trip to the hospital.

East End District Clinic had the following distance measurements - Clinic to Rum Point through the Queen's Highway to the hospital via Frank Sound, which is the farthest distance from the East End Clinic that a victim would have to be picked up, is 38.4 miles. East End Clinic to the George Town Hospital is 19.6 miles.

North Side Clinic had the following measurements. North Side Clinic to the Hospital via the Queen's Highway and East End, 31.4 miles which would be the farthest distance one would have to travel to pick up a victim from the North Side Clinic. North Side Clinic to Rum Point back to the Hospital through Frank Sound is 26.8 miles.

It can therefore be clearly seen that in terms of the longest possible distance which one might have to travel to reach a victim and take them to the Hospital, the North Side Clinic has an advantage of seven miles.

It was further determined from the visit that of the two district clinics the North Side District Clinic had the more favourable physical conditions in terms of space for the vehicle and staff accommodations and other staff conveniences. The added advantage is that staff can be utilised at the district clinic to provide better service and this is also practical and cost effective.

If one looks at the statistics one will see that in January, the ambulance made four calls to North Side and five to East End. In February, four to North Side and four to East End. In March, there were three to North Side and six to East End. In April there were six to North Side and one to East End, and in May, three to North Side and two to East End for a grand total of 38 calls. So, to put the staff at the Fire Station the staff would be left idle for considerable lengths of time.

The advantage of being able to utilise the staff at the district clinic applies equally to all three district clinics. Both East End and Bodden Town now have more staff than North Side and the increase in staff needed in North Side will be part of the ambulance service to reduce duplication.

The option, as originally proposed by the Backbenchers, to locate the ambulance at Frank Sound because of its perceived central location was also thoroughly investigated. First off, the idea that it is centrally located and therefore would provide the shortest pick-up time and transport to hospital is not accurate as the distance travelled earlier by the ambulance would confirm. For instance, this would increase the distance to Rum Point and the hospital, the ambulance would have to travel the 36 miles, five miles more than if it was located at the North Side Clinic.

It must also be borne in mind that unlike the Fire Service, when the fire truck travels to the scene of the fire, it puts the fire out or at least deals with the problem as well as is possible. The ambulance service on the other hand, may remedy and apply some treatment but for completion of treatment transportation of the victim to hospital is most often required. Therefore, the Frank Sound site is also the worse in terms of total distance travelled.

The Principal Secretary for Health and Social Services, the Hospital Administrator, the Chief Nursing Officer and the Ambulance Service Supervisor met at the Frank Sound Fire Station with Mr. Kirkland Nixon to further discuss the possibility of locating the ambulance service there.

The result of that meeting was that it was found that there are no facilities there to accommodate the ambulance service and it was felt that there would arise a problem of supervision and conflicts of authority. The Chief Fire Officer, while he could not refuse to accept the ambulance service at the Fire Station because it is a Government building, was unhappy about two distinct separate services sharing a building which was designed and built for one purpose and one service. I might add that that view is shared by the Portfolio of Tourism Aviation and Trade with whom we have also had discussions on locating the ambulance service at the Fire Station in Frank Sound.

The building to house the staff and ambulance would have to be added to the present building and could cause additional problems as to their location on the site, plus substantial additional cost for which there is presently no funds in the Budget. But funds will be placed in the 1990 Budget to build a garage needed at the North Side Clinic for the ambulance.

Let me add that presently the choice is the North Side Clinic. In six months the service will be evaluated and, if it proves not to be the best location, the Portfolio is prepared to review it again. Taking into account all factors and evidence with the desire to provide the best possible service for the people of the Eastern Districts, the Government has decided, on the advice of the Portfolio and its technical staff, to locate the ambulance service for East End, North Side and Bodden Town at the North Side District Clinic. Therefore, Government cannot accept this Motion as proposed by the Member for East End and the First Elected Member for Bodden Town.

MR. PRESIDENT:

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, the history of this ambulance goes back much further than December 1989. Applications had been made to the Government during 1984 to 1988 and never met with much acceptance. One of the reasons given was the cost of staff to adequately man this service vehicle. However, as outlined by the previous speakers, money has finally been allocated to purchase this equipment.

It was my understanding that when the Budget came to the House in November 1989 there had been no provision for these services. When a better and more streamlined budget had finally been agreed upon, some money was there to purchase this equipment. No sooner had the money been placed in the Budget, I heard an outcry about the ambulance being stationed in North Side.

Whenever an ambulance is required I think the most critical element is that of the speed with which the ambulance can reach the victim and convey the victim to the hospital. If we were able to provide an ambulance in each of these districts we would have the ideal situation. However, because of the resources of Government this is not possible. We must then do what seems to be the next best thing and that is to have one ambulance serve the three eastern districts.

Without the need for any technical advisors, anyone knowing the location of the three eastern districts would know that the central spot for the location of the ambulance would have to be Frank Sound. This is important because at Frank Sound the ambulance would do a better job for the three districts than it could do at any other spot. It is true that if the ambulance was placed at the North Side Clinic there would be (taking the figures given by the Member) a five mile advantage for Rum Point. We do not disagree with that. However, that would be the only distance advantage for the whole exercise.

If it was placed at the Clinic at North Side the other two districts would be at a greater disadvantage than if it had been placed in Frank Sound. Perhaps even Old Man Bay and the area along the Frank Sound Road would be at a greater disadvantage if the ambulance was placed at the Clinic in North Side than they would be if it was placed in Frank Sound. So, when we put these three eastern districts together we can clearly see the advantage of putting the ambulance in Frank Sound.

Bodden Town, which includes all that area from Frank Sound down to Savannah, would be better off than if it was in North Side. East End would be better off than if it was placed in North Side. Even parts of the Frank Sound and North Side Road would be better off than if it had been placed at the Clinic in North Side.

Out of the three eastern districts concerned with the problem of locating the ambulance, we can see that two of them, in their entirety, would be better off with the Frank Sound location and parts of North Side would also be better off. So, while we cannot have the ideal situation of good location for every part of every district we must do what we can to give the best service to the most people involved and to the greatest areas involved.

I believe that the Member for East End is quite conscientious in his approach to this matter. He has fought for this against tremendous odds over a number of years and it is good that the project now becoming a reality can have with it some sense of practicality and his desire to see the ambulance placed in Frank Sound is really one which cannot be claimed to have any political overtones at all.

We were aware from the very early stages that the problems of staffing would be present. The Member for Health, who just spoke, mentioned the fact that there are no facilities to accommodate the staff at Frank Sound as this building had been put up for a Fire Station and perhaps that is true. I would like to know what other facility is put up in North Side where the original toilet block that was put up there one day was converted and, I understand, serves as the office for the Member of the Legislature. Neither of these two areas were specifically designed to accommodate an ambulance and a staff of nine. It is quite clear that renovations will have to be made and facilities will have to be provided no matter whether we use North Side or Frank Sound.

MR. PRESIDENT: Would it be convenient for you to break there for lunch?

MR. G. HAIG BODDEN: Yes, Sir.

MR. PRESIDENT: Proceedings are suspended until 2:15 P.M.

PROCEEDINGS SUSPENDED AT 12:52 P.M.

HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Proceedings of the House are resumed.
The Elected Member for East End has given me notice of his wish to move an amendment to the Motion.

STANDING ORDER 25(1) & (2)

AMENDED PRIVATE MEMBER'S MOTION NO.13/90

MR. JOHN B. McLEAN: Thank you, Mr. President.
In accordance with the provisions of Standing Order 25(1), I, the Elected Member for East End do move, subject to leave granted by yourself, in accordance with Standing Order 25(2), the following amendment:

"WHEREAS Finance Committee has appropriated funds for the establishment of an

ambulance in the Eastern Districts which is necessary and urgent;

AND WHEREAS it is considered that it should be placed in Frank Sound for certain reasons including the fact that it is central to the Eastern District;

BE IT THEREFORE RESOLVED THAT Government station the ambulance at Frank Sound;

AND BE IT FURTHER RESOLVED THAT Government consider building the necessary buildings and other related matters in Frank Sound for the ambulance and that they do so urgently."

MR. ROY BODDEN: Mr. President, I respectfully beg to second the Motion, Sir.

MR. PRESIDENT: The amendment has been duly moved and seconded. The question is that Private Member's Motion No. 13/90 be amended as moved. Would the Proposer wish to speak to it?

MR. JOHN B. McLEAN: Yes, Mr. President.
Quite briefly to point out that it is a small amendment, it is removing two words, Fire Station, in the Resolve section and leaving it to read:

"Be it therefore resolved that Government station the ambulance at Frank Sound;"

Mr. President, I took note of what was said by the Member with the responsibility earlier and the move here is not intended to be in place as soon as the ambulance comes. I am aware of the way that the wheels of Government turn and I would not be expecting that an ambulance facility could be established there without the proper building and other facilities.

Therefore, I feel that for the interim period the vehicle would have to be stationed elsewhere and operated from another point. I am asking Honourable Members of this House to fully support this urgent matter so that we can have this established as soon as possible.

MR. PRESIDENT: Does any other Member wish to speak?
The Honourable the Member for Health.

HON. D. EZZARD MILLER: Mr. President, on behalf of the Government we can accept the Motion in this form, the Member, having made it clear that, like myself does not want to see the service delayed to the citizens of the eastern districts until a facility is erected in Frank Sound. The services will be established at the North Side Clinic during the interim period while the process of finding a central location, building the building, etcetera, is being done.

With that clear understanding, the Government can accept that the ambulance service must go ahead and it will get on with investigating and designing the proper facilities, and looking for property, etcetera, for locating it at a central point sometime in the future.
Thank you.

MR. PRESIDENT: The Second Elected Member for Bodden Town, speaking on the amendment.

MR. G. HAIG BODDEN: Yes, Mr. President.
I had almost completed [my debate] on the main motion and will now speak on the amendment. In order to save time I will let the House know that I will not bother to speak on the motion as amended if a debate is allowed again.

I would say that I can support the amendment that has been made. Frank Sound is definitely an equal distance from the other three districts. This has always been recognised and the change seems to imply that the ambulance will not actually be usurping the facilities which have been provided for the fire trucks. I would just like to say that I hope that we can go on and provide this much needed service regardless of the cost as we cannot measure the value of human life with economic costs.

MR. PRESIDENT: Does any other Member wish to speak on the proposed amendment?
Seems not, would the Proposer wish to reply?

MR. JOHN B. McLEAN: Mr. President, just to thank the Members who have spoken and to thank the Government for accepting the motion in the amended way. As I pointed out awhile ago, it was not my intention that by wording the motion this way that I was expecting for the service to be held up or for the facility to be placed there improperly. It seems as if the Member with the responsibility understands exactly what I am saying and I think that I also understand where he is coming from.
Thank you.

MR. PRESIDENT: The question is that Private Member's Motion No. 13/90 be amended in the way set out in the Paper before Members. Would those in favour please say aye, those against no? The Ayes have it.

The Motion is amended accordingly.

AGREED: PRIVATE MEMBER'S MOTION NO. 13/90 AMENDED.

THE PRESIDENT:
debate.

The question is that the Motion, as amended, is now open for

motion.

The House now will resume the debate on the substantive

that he will not be continuing.

The Second Elected Member for Bodden Town, has indicated

Member for George Town.

Does any other Member wish to speak? The Third Elected

MR. TRUMAN M. BODDEN:

Mr. President, this Motion is a very important one to the Eastern Districts. Most important is that the ambulance is sited in a central area of the district so that an equal chance is given to all of the people who live in the three respective districts to be able to have access to the ambulance.

This equality between the districts is one thing that we, as Backbenchers, have endeavoured to see put forth. What I find interesting is that during the Budget Meeting when this was dealt with in December, the Backbenchers, as a very large majority of the Finance Committee, added into the Budget increased amounts for roads, for bleachers and for a launching ramp for North Side despite the fact that that Member was in a minority there.

I think this is a fair way that we have in dealing with the funds of the country. The fact that these may have been left out by the Member does not mean that the district is not entitled to it and it should not be equally spread.

Therefore, I think that this compromise which the Government and the Backbenchers have made is a very clear indication that if effort is put into solving problems and finding solutions we can always meet on common ground. Common ground is where I am sure the three Eastern Districts would like to find the ambulance situated on. Common from the point of view of distance and time and giving an equal opportunity to the populace of those districts to have access and the use of the ambulance.

It seems to me that it is reasonable that if it has to be temporarily put somewhere until it can be properly sited then that seems to be a fair situation. I believe it is one that the time taken for negotiating by the Member for East End and the Member for Health has been worth it. It would be good to see the continuing cooperation, not just in the Eastern Districts but in all the other districts because as I have said during the debate on the Budget when this was dealt with...

HON. BENSON O. EBANKS:

On a Point of Order, Mr. President, is this relevant to this Motion?

MR. PRESIDENT:

The Chair is always very hesitant to rule on a matter like this, but I think that it is not strictly relevant to the Motion. Perhaps you.....

MR. TRUMAN M. BODDEN:

Well I will get on with equal distance and equal time, and leave out the equality of the districts as you ruled, Sir.

The Eastern Districts, the three of them are shaped geographically like a 'Y', with East End on one end, North Side on one end and we have Bodden Town at the other end of the 'Y'. Surely, where those three meet and the distance itself is in an equal position. We find that that equal ground where the 'Y' joins, so to speak, is the Frank Sound area. I would urge, because if not, we will ultimately move that the permanent siting of this be dealt with urgently, as it is set out in the original Resolution, the temporary part of this ambulance service should be dealt with urgently because as the Second Elected Member from Bodden Town has stated, you cannot measure human life in terms of money. So whatever is needed to bring this into operation, the temporary as well as the permanent, let the Member gets on with it in the interest of the three districts.

So I am happy to see this compromise, I am happy that finally it will come to fruition and hopefully we will find lives in those districts saved as a result of it. So I support the motion by the Member for East End which is seconded by the First Elected Member for Bodden Town.

MR. PRESIDENT:

The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.:

Thank you, Mr. President.

I rise to add my support to the motion which is before us and which calls for the establishment of an ambulance service for the Eastern Districts.

I think what is significant to recall is that the Movers of this particular motion, the Elected Member for East End and the First Elected Member for Bodden Town, in Finance Committee at the time, found themselves in a majority position and could have very selfishly said, "Let us put it in East End or Bodden Town", at the expense of North Side or the other districts.

Being the kind of gentlemen that we are, we not only look out for our own constituents but we are concerned about the Islands as a whole. On that basis, we recommended that this service be located in Frank Sound, which is a neutral area and one which is probably equal distance from the three districts involved.

I think that it would have been totally unreasonable for the Member for Health to have had the service located in his district which I think may be the smallest of the three districts, based on his arguments put forward in his contribution.

I think it is a very valuable service, and is one that the districts in the eastern part of the Island have required for some time. I am glad to see that finally we are getting on with the job of getting it established. I look forward to the service being established and being of value to our people in those areas.

Thank you, Sir.

MR. PRESIDENT:

Would the Mover of the motion wish to reply to the debate?

MR. JOHN B. McLEAN:

things that came out in the debate.

Yes, Mr. President, and just to put the record right with a few

I know mention was made of a figure of \$35,000 which was first put forward for the ambulance. I would just like to say that this was not a hard and fast figure because at the time I do not think we were certain on the \$35,000 as was put forward, but on return with correct figures from the Member and the amount that he felt that it would take to staff this operation, the funds were voted.

Another reference was made to the volunteers for this operation. That was a suggestion of mine and it was made in an effort for us to get this service after I had been told by the previous Member that it was going to be very costly.

In an effort to assist Government I did speak to various reputable individuals from my district and other eastern districts as to whether they would assist with this on a voluntary basis. Here, I would like to point out that it was not for them to be in a position to administer drugs or to do any sort of medical work. It was purely driving. I would just like to put that right. These were no professional staff whatsoever that I was talking about - strictly for driving the vehicle. Indeed, I did choose drivers that I knew were good drivers.

I would also add that I am glad to hear from the Member with the responsibility that provision has been made to put the staff in place for this service when the ambulance arrives. I hope and trust that everything will work out and that we will have it there as soon as possible.

As I mentioned earlier, I was happy to amend my motion. I am still of the belief that I have made the right decision in suggesting the Frank Sound area. I feel certain that the people of the eastern districts will support that view. I would also point out that another reason for me wanting to amend my motion is because the technical individuals made the recommendation that this should not be in the Fire Station building. I am therefore willing to go by that ruling.

However, I would like to point out that it is my understanding that Government has some three and one-half acres of property in that area. So perhaps we may still be able to utilise a portion of that property. Indeed we would save the cost of the land there and of course it would expedite things more quickly.

In conclusion, I would just like to say that we must look at this from a positive point of view. The life that might be saved by placing this facility at Frank Sound could be one of ours in this Chamber or indeed it could be one of our family member or a friend. To my way of thinking, if it is a life saved regardless whether it is family, friend or foe, the money that we will spend on this facility could never be weighed against the life of an individual.

I hope and trust that as this goes to the vote the Members of this Chamber will see exactly in their minds and consciences why I have been for many, many years trying to get this service established for the eastern districts.

Members and as you vote, please say, yes.

Once again, I am saying a very special thank you to all

Thank you.

MR. PRESIDENT:
is as amended.

The Question to be put on Private Member's Motion No. 13/90

QUESTION PUT: AYES & NOES

MR. JOHN B McLEAN:

Mr. President, may I have a Division?

THE PRESIDENT:

Madam Clerk.

DIVISION NO.14/90

AYES: 15

NOES: 0

Hon Thomas C. Jefferson
 Hon Richard W. Ground
 Hon J. Lemuel Hurlston
 Hon W. Norman Bodden
 Hon Benson O. Ebanks
 Hon Ezzard Miller
 Hon Linford Pierson
 Mr. W. McKeeva Bush
 Mr. John D. Jefferson
 Mr. Truman M. Bodden
 Capt. Mabry S. Kirkconnell
 Mr. Gilbert A. McLean
 Mr. J.A. Roy Bodden
 Mr. Franklin R. Smith
 Mr. John B. McLean

UNANIMOUSLY AGREED: PRIVATE MEMBER'S MOTION NO. 13/90, AS AMENDED, PASSED.

MR. PRESIDENT:

Private Member's Motions continuing.

Member for Bodden Town.

Private Member's Motion No. 11/90 please, the First Elected

PRIVATE MEMBER'S MOTION NO. 11/90
 SELECT COMMITTEE OF THE WHOLE HOUSE
 BILL AND CHARTER OF RIGHTS AND FREEDOMS

MR. ROY BODDEN:

Thank you, Mr. President.

I beg to move Private Member's Motion No. 11/90 entitled, 'Select Committee of the whole House on Bill and Charter of Rights and Freedoms' and which reads as follows:

"WHEREAS in many countries of the world a Charter of Bill of rights complements the written constitution;

AND WHEREAS as a rapidly growing country with many diverse groups, interests and concerns, the Cayman Islands' population continues to expand;

BE IT THEREFORE RESOLVED THAT this Honourable House appoints a Select Committee of the whole House to assess the need and feasibility of formulating a Bill or Charter of Rights and Freedoms to ensure the fullest exercise of all human rights and freedoms and to protect against all forms of discrimination, exploitation and harassment in the Cayman Islands."

MR. GILBERT A. McLEAN:

I beg to second the motion, Mr. President.

MR. PRESIDENT:

seconded. Would the Mover now wish to speak to it?

Private Member's Motion No. 11/90 has been duly moved and

MR. ROY BODDEN:

Thank you, Mr. President.

In bringing this motion back to the House, I am attempting to do two things. First and more important is to try to convince the majority of Members that such a document is needed.

Secondly, I am trying to demonstrate that often we have to be persistent in our efforts to do good. And, if I may be permitted to quite appropriately, I think, launch into an introduction, I would suggest that this motion has its roots in the very traditions of the British system of Parliament and Government of which we are a model and a part.

The first great document of English liberty was the Magna Carta which the Barons forced King John to accept in 1215. The second was a Petition of Right, which Charles 1 accepted in 1628. Together, these documents, with the Bill of Rights formulated in 1689, has been the Bible of English liberty.

Again, the United States, often heralded as the bastion of democracy, has firmly entrenched in its Constitution from the very beginning a companion document called the United States Bill of Rights.

One of the things which I admire about the United States is that

a large number of United States' citizens are aware of these rights. Certainly, they are aware of the first 10 amendments to the Constitution which are often called the United States Bill of Rights, because they learn this from the very beginning of their lives when they go to school.

These rights include freedom of religion; of speech and of the press; freedom to assemble peaceably, freedom against unreasonable searches and harassment; the right of a person to refuse to testify against himself; the right of a speedy and fair public trial; the right not to be deprived of life, liberty or property without due process of law.

I know about some remarks that were passed about the intentions of the Mover and the Seconder in promoting rights. But I am saying we have no need to fear this has always been a peaceful democratic society. What is wrong with guaranteeing and entrenching into our governing documents a Charters or Bills of Rights of Freedom which will enable our people to better understand the society in which they live and to better understand what their rights, responsibilities and obligations to that society, to the Government, to the country, and to their fellow men, are? There is absolutely nothing wrong!

I do not intend during this presentation to go into any impassioned plea like I did the last time because I detected the hint of sarcasm and I am rapidly changing my style as a result of what happens in here and recently, I have been concerned that I am losing some of my good qualities. I am not going to enter into any impassioned plea lest something happens and I am forced to be retaliatory because I have to say, there is no one in this Honourable Chamber more witty, or more sarcastic than I am when I am ready, because that too was a part of my training.

I would like to make it abundantly clear that I have no reason to waste the time of the Honourable Members of this House. I am bringing this motion because I think it is needed.

After the motion was defeated I received calls from many people, including some school children whom I did not realise knew the significance of such a motion and whom I did not realise knew the importance of a Bill and Charter of Rights and Freedoms. I am saying that I consider that I have done my duty. My conscience on this matter is clear and like the famous court room lawyer said, "The defense rests his case".

Thank you.

MR. PRESIDENT:

Does any other Member wish to speak?

(pause)

The Honourable Member for Health.

HON. D. EZZARD MILLER:

Mr. President, I rise to address the motion before this Honourable House which deals with a Bill and Charter of Rights and Freedoms.

There are three basic reasons why the Government does not feel it is necessary to accept this motion.

The first is that here in Cayman, the people already have the basic rights provided for and guaranteed under our system of law which we have inherited from the United Kingdom. These laws are enforced and put into operation through our Judiciary and which are made by the Assembly.

Secondly, even if we did not have that, there are powerful international conventions which deal in very broad but detailed terms with basic human rights to which the Cayman Islands are a party, through the United Kingdom, as a signatory.

The third ground is that, in practice, the adoption of internal legislation, as history demonstrates, in many jurisdictions has rarely evolved to protect the human rights that it purports to enshrine in a Bill of Rights.

It is a basic tenet of British Constitutional Law that every man is born free and lives free "*under the law*" - and those last three words are very important. We are free, but there are laws which, in the interest of the community, our neighbours and the Commonwealth of Nations, place certain limitations on our individual natural freedom and birth right. All of us in Cayman have the right to life and that right is protected in our legal system by the offence of murder.

We have two basic guardians of human rights in any Westminster model Constitution, from which Cayman is modeled, and they are: (1) freely elected Legislature; and (2) an independent Judiciary.

I am pleased to say that these two guardians operate freely in the Cayman Islands today. Those are the first protected of all human rights in that they are protected by Constitutional Law.

The other important aspect is the International Convention and it must be emphasised that these conventions apply to Cayman. They have been extended to us through the United Kingdom's ratification of them. The United Nations' Convention is monitored by the United Nations and any nation not abiding by them is quickly identified and they attempt in several ways to correct them or bring them back in line.

The two most important of these conventions are:

- (1) the United Nations' Universal Declaration of Human Rights, adopted and proclaimed by the General Assembly of the United Nations in 1948; and
- (2) The European Convention of Human Rights.

The United Kingdom is a signatory to both of these and therefore the Cayman Islands, by extension and by our request, is bound to the provisions of both those conventions.

Those rights in those two conventions are our rights - the rights of all Caymanians - we do not need special laws to spell them out, or a section or attachment to the Constitution to identify them.

All laws made in this Parliament, which become part of our legal system, are presently framed and conform to these Conventions and each year the United Kingdom can tell the United Nations and the European countries that the Cayman Islands conform to these conventions.

These Conventions do not exist in limbo with no legal sanctions or otherwise. They are like treaties and carry very heavy obligations for her Majesty's Government and for the Government of the Cayman Islands. They cannot be breached lightly. There are also, in addition to those of her Majesty's Government, important considerations which the United Kingdom applies to all its dependent territory, of which Cayman Islands is one.

No law can be passed in this Legislature which would breach any of these rights because it would have to be referred to the Secretary of State under the Royal Instructions through the Governor for his approval.

Now, in the Royal Instructions section 8(h) says:

"any Bill whereby persons of any community or religion may either;

(1) *be subjected or made liable to disabilities or restrictions to which persons or other communities or religions are not subjected or made liable; or*

(2) *be granted advantages which are not employed by persons of other communities of religions."*

The main subsection of that reads:

"The Governor shall not, without having previously obtained our Instructions through the Secretary of State, assent to any Bill within any of the following clauses unless the Bill contains a clause suspending its operation until the signification of Our pleasure thereon;"

I want to assure the public that the Government, in not accepting this Motion, will continue to ensure that our people enjoy all the human rights they are entitled to.

Whether we believe it is necessary to write a separate Bill of Rights, as they are all already contained in our various laws on the statute books of these Islands, this separate Bill of Rights cannot offer any better protections than what presently exist in our Statute books but usually this will only lead to increase litigation.

With those few words we cannot accept the Motion.

MR. PRESIDENT:

I think this is a convenient time for the afternoon tea break. Proceedings are suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3:15 P.M.

PROCEEDINGS RESUMED AT 3:42 P.M.

MR. PRESIDENT:
11/90.

Proceedings are resumed on Private Member's Motion No. 11/90.
Does any other Member wish to speak?

MR. W. McKEEVA BUSH:

Mr. President, I am wondering whether this is going to be a vote of collective responsibility or is this going to be a vote of conscience?

MR. PRESIDENT:

Unless the statement is made that it is a vote of conscience, as you put it, it is a matter of collective responsibility. The Executive Council did decide the Government's attitude to this Motion. So it is collective responsibility.

MR. W. McKEEVA BUSH:

I did not quite understand that, Sir.

MR. PRESIDENT:

It is a matter of collective responsibility, to put it briefly.

MR. W. McKEEVA BUSH:

I would have thought that something as serious as this where you have so many different.... for the sake of clarity and I do not want to have back and forward chat with the Chair.... but I would have thought that seeing that this is asking for a Bill of Rights, something that is fundamental to people, that this would have been a vote of conscience rather than a vote of collective responsibility. I am

wondering if you could give us some guidance as to what really causes that kind of vote to take place?

MR. PRESIDENT:

The provision for collective responsibility is in section 9(2) of the Constitution as you know. That says that "*unless.... the prior permission of the Governor to act otherwise or not to support such a measure*" that is a policy of the Government is granted a Member shall act "*in accordance with the principles of collective responsibility*".

In this instance, no Member so requested permission and Council took a decision on the Government's view of the matter. That is how it stands. Now, as you said, we should not enter into a debate on this.

MR. W. McKEEVA BUSH:

No, no, but I am not clear and this question has been backwards and forward since the House began in this meeting. So if a Member requests, are you saying that you are bound to accept his request for a conscience vote?

MR. PRESIDENT:

I did not say that at all. Nor, do I say it, nor, is it the case. I think, and it is a hypothetical matter that I am talking about, because it has not arisen in my time here - but, if the question was to arise in Executive Council that any Member, Elected or Official, requested permission to disassociate himself from the decision or the advice of Council, I would then, I think, take the advice of Council on that question unless it was clearly a matter which is a matter of conscience. I think that is the doctrine that I would follow principally because collective responsibility is a matter for the whole Council.

Does any Member wish to speak on the Motion?

While we are waiting, I might say I appreciate the risks of delivering myself of doctrine like this at no notice at all and I suppose I should say, subject to errors, omissions and exceptions.

would the Mover wish to reply?

Anyway does any Member wish to speak on the motion? If not,

MR. ROY BODDEN:

Mr. President, I am going to try to be logical and reasonable in my reply and in so doing, I must begin by voicing my disappointment but, such is life.

I listened to the position put forward by the Government and it reminded me of some instances during my boyhood of an admonition I once got from my mother.

Whenever I was asked to do something and I shirked my responsibility and I was called in to question by my mother, I had a flare for giving long and involved reasons. I remember one day she said to me, "I want to tell you something. You think you can run these things by me so easily, and that I am too old a chicken to be choked on corn. So you can try again to convince me". Well I am too old a chicken to be choked on corn.

It does not necessarily follow that a separate Bill or Charter of Rights is going to end in increased litigation. It does not necessarily follow that a Bill and Charter of Rights and Freedoms is going to breed more criminals. It does not necessarily follow that a Bill and Charter of Rights is going to breed more lawless people.

The winds of change are blowing all over the world. One of these days, those winds will blow in Cayman too. I am convinced that if the Bill and Charter of Rights does not come now it will come down-line. Whenever it comes, people will be able to say that I tried, because you see I speak for a people whose history is not chronicled yet, but when that history is chronicled it will be no less profound than that of other people's whose history is chronicled and read now. I speak for a people who are becoming more sophisticated in every facet of life.

The primary reason for moving a motion like this is the basic principle that prevention is better than cure. I understand the Constitution. I was a student of history. I understand our connections. I understand the traditions that we are entitled to, that are passed down through the Westminster System. But, I am arguing that there is nothing so plain as to have a basic and separate document spelling and outlining these liberties. I posed a question, what harm is there in having this?

I would hope that the excuses given are genuine and not necessarily arising because this comes from the Backbench. The Government is bound to change at some stage and I am serving notice now, that in the event that I find myself on the other side, while I am not obsessed with any Bill of Rights and Freedoms to be imbedded in Cayman, it is one of the things which I will seek to have established. I am convinced and the more I talk with people in the society, the more convinced I am that it is absolutely necessary.

Might I suggest that in the proposals for Constitutional advance handed down in this so often quoted document by the Right Honourable the Earl of Oxford and Asquith in 1971, there was a recommendation that the following would be written into the Constitution.

- (1) Fundamental rights and freedoms of the individual;
- (2) protections of right to life;
- (3) protection from inhuman treatment;
- (4) protection from slavery and forced labour;
- (5) protection from arbitrary arrest or detention;
- (6) provisions to secure protection of law;
- (7) protection for privacy of home and other property;
- (8) protection of freedom of conscience;

- (9) protection of freedom of expression;
- (10) protection of freedom of movement;
- (11) protection from discrimination on the grounds of race, ecetera; and
- (12) protection from depravation of property.

I respectfully submit also that having these rights and freedoms written as a companion document to the Constitution does not necessarily guarantee that they will be adhered to. However, it provides them as a source to be used should the necessity arise. I am wondering if the Honourable Member who replied on behalf of the Government suggested that our Constitution is so all-encompassing and comprehensive that we do not need to add anything else to it?

I have to repeat this again, Sir. That is why I like the United States' system because there is no part of their Constitution which is sacrosanct. It is amended and modified and changed to suit the necessity of the circumstances and that is why it works so well.

I think that it is the best Constitutional document in the world and I am a fervent admirer of that document. I am a fervent admirer of that system and while I will be the first to admit that it has some flaws, I hesitate to think that it is not a good document which is serving the country well. Consequently ...

Point of Order

HON. BENSON O. EBANKS: On a point of order, Mr. President. I wonder if the Member could direct us to the section of this Report that he is reading? I have a feeling it is from an Appendix which was a recommendation from a Committee of this House.

MR. ROY BODDEN: Mr. President, I am going to play ball like they play ball. I am not giving any information out, Sir.

MR. W. McKEEVA BUSH: He signed it (inaudible) he signed it!

MR. ROY BODDEN: Mr. President, let me just say that he is a signatory but beyond that I am not giving anything out. I am playing ball just like they play ball. And if he tries to get up, I am not giving way again either, Sir.

So, I am saying that there is a contradiction and the Elected Members of Executive Council, certainly the Member who so rudely tried to throw me off my train of thought awhile ago, cannot take the fact that the contradiction bears out that they are not quite sure of what they are doing.

I am asking again, what is the problem with entrenching this in our Constitution as a companion document? History will bear out from the Eastern Bloc right on down, there is only one country which remains hard line to the development of these kinds of rights and freedoms and it is only a matter of time before that country too, is forced by the populace to change.

So we are no different. I would like to pose the question, why has someone who signed this document now sees fit to change his mind? Are we afraid of freedom? Do we want to entrench ourselves in certain privileged positions? Yet we say we are a democratic society; yet we talk about Parliamentary democracy and stability.

I do not understand the contradiction and the paradox but maybe it was never intended for such feeble minds as mine to understand these political shenanigans. I wonder how we can face our populace when we object to this kind of guarantees of basic rights being written? I am saying from experience this can only make our society stronger, more democratic and more cohesive.

From my experience these things are entrenched in the school system and it enhances respect - respect for the society, respect for the authorities, respect for the individual. There is going to come a time when purely for the orderliness and development of our society we are going to have to resort to teaching these kinds of things in school, just like we are going to have to resort to teaching about our system of parliamentary democracy in Government. The orderly development of our Government is demanding that. Events have demonstrated and are demonstrating that we are going to have to add from time to time to what is written as far as our rights and freedoms are concerned, so that there can be no doubt of what we as citizens can reasonably expect.

I believe that our society is no different from any other societies and the model whom we choose to emulate most, the mother which we choose to emulate most, namely the Mother of Parliaments, the Westminster system, Great Britain, had these documents, the Bible of English Liberty, in place from 1689, and we are saying we do not need it. We do not need it?

Common logic dictates that prevention is better than cure. It is better for us to have a document ready so that if ever the necessity arises, we can place our fingers upon it and not have to wait until the situation arises and say, "but there are no provisions in our Constitution or we have no Bill of Rights, so now we are in a quandary".

I said in the beginning, my conscience is clear. I am not going to be damned by the future generation, rather, it is those people who rejected this document. I have made my case and like a good historian, I will sit back now and see what the results are.

Thank you.

MR. PRESIDENT: The question will be put on Private Member's Motion No. 11/90.

Ayes have it.

Would those in favour please say aye, those against no? The

MR. ROY BODDEN:

Mr. President, can I have a Division?

THE PRESIDENT:

Madam Clerk.

DIVISION NO. 15/90

NOES: 8

Hon. Thomas C. Jefferson
 Hon. Richard Ground
 Hon. J. Lemuel Hurlston
 Hon. W. Norman Bodden
 Hon. Benson O. Ebanks
 Hon. D. Ezzard Miller
 Hon. Linford A. Pierson
 Capt. Mabry S. Kirkconnell

AYES: 7

Mr. W. McKeever Bush
 Mr. John Jefferson, Jr
 Mr. Truman M. Bodden
 Mr. Gilbert A. McLean
 Mr. J.A. Roy Bodden
 Mr. Franklin R. Smith
 Mr. John B. McLean

AGREED BY MAJORITY:

PRIVATE MEMBER'S MOTION NO. 11/90 NEGATIVED.

MR. PRESIDENT:

The next item on the Order Paper today is No. (3) under Item 4, Private Member's Motion No. 9/90. This is being withdrawn and I understand is resubmitted under a different Mover and will come up in the business later.

So we go now then to Item 5, Government Business, continuation of the debate on the Report of the Standing Select Committee on Standing Orders on which the First Elected Member for Bodden Town was speaking.

The First Elected Member from Bodden Town continuing.

GOVERNMENT BUSINESS

MOTIONS

MOTION, AS AMENDED, TO REJECT THE RECOMMENDATIONS CONTAINED IN THE REPORT OF THE OF THE STANDING SELECT COMMITTEE ON STANDING ORDERS

MR. ROY BODDEN:

Thank you, Mr. President.

When we took the break yesterday, I had established the fact that it makes no sense to change a system which has been working satisfactory for over 30 years for a system which has been necessitated by the exigency of the moment because the Elected Members of the Executive Council have lost their Backbench support.

I would like to further suggest that any system so structured that it cannibalises upon some, in this case upon one of its most loyal, most respected, most trusted servants, must have something radically wrong with it.

That bears repeating, Sir. Any system so structured that it cannibalises upon one of its most loyal, respected, trustworthy and efficient servants must have something radically wrong with it. However, the nature of these politics being what they are, I put my full stop behind that and will go no further on that point. Only to say, like the Latins, 'a word to the wise is sufficient'.

Importantly too, I cannot understand how in all seriousness and in all sincerity people can say that to make such a radical change does not significantly alter the Constitution and workings of the Finance Committee. To this extent, attention is drawn to an advertisement appearing in today's edition of the Caymanian Compass entitled, 'The Real Facts by the Elected Members of Executive Council'. Do not be misled and the Members have gone on to state on a full page these procedures. Footnoted by this:

"they will not be altered in any way by the proposed amendment now before the Legislative Assembly, which deals only with the constitution of the Finance Committee. Do not let yourself be persuaded otherwise."

The explanatory note reads:

"These are the financial procedure provisions in the Legislative Assembly Standing Orders - Standing Orders 63 through 68. They are there to ensure the control of Government spending proposals by the Finance Committee."

I am not really worried about this because research has shown that the likelihood of a reader reading through something as comprehensive as this, printed in such a fine print is on a scale of 1 - 10 is about two, Sir. So according to my information, this is a wasted effort.

What is important though, is the fact that the Motion to change the structure of the Finance Committee is going to alter its Constitution, its workings and its effect. I would like to read section 3 of Government Motion No. 3/90 entitled, 'Amendment to Standing Order':

"The provisions of these Standing Orders relating to Committees of the whole House upon bills shall apply to Finance Committee, save that in the event of any conflict, the provisions of Standing Orders 63 to 68 shall prevail,"

So this section contradicts what was put out in the paid advertisement and I contend that if the Motion is passed, in the final analysis Finance Committee will never be the same again. And, we as representatives of the people, as servants of the people, as their trustees, are genuinely concerned that this is an erosion of basic rights.

I am suggesting with respect, Sir, that to change the structure in this way will also be adding to the already heavy workload of the Governor, who, let us remember, is Head of State, Chairman of the Executive Council, and in our case, President of our Assembly and we are giving him another job, the Chairman of the Executive Council. I would hope for his sake that they consider additional remuneration as well because to saddle the gentlemen with such serious responsibilities would certainly warrant fiscal increase and consideration.

I am saying with respect that it is best that we leave well enough alone. We have no serious reason to change the structure of the Finance Committee now. If the Elected Members of the Executive Council are saying that for purely selfish reasons and to prove a point to the Backbenchers they want this change, well then I guess I would have to grudgingly admit there is a case. But for the efficient workings of the system of Government, there is absolutely no need.

I would like to say again, because this too bears repeating, how prophetic was my now departed colleague when he said that the move to wave Standing Order 67(1) was just the beginning of things to come. The beginning of the deluge, but we the seven Backbenchers are going to stand firm by the flood gates and they are going to have to sweep us down the river with the tide before we allow this to happen.

I would also like to say that the Elected Members of the Executive Council must take note of public feelings, public opinion and public emotions on this issue. These feelings, emotions and opinions are not for this change. They should not be that reckless, they should not hold the public opinion in such total disregard that they pursue this change because it is not in our best interests.

Sometime ago we were lectured on political stability and the fact that the Backbenchers were behaving irresponsibly. Now, I wonder who are the culprits? Which side is behaving irresponsibly? Which side is cutting against the grain of public opinion? Which side is flying in the face of disaster? Which side is flirting with serious changes?

Sure it is said that this is not a change in the Constitution but merely a change in the Standing Orders. But, the two documents compliment one another and my argument is, there is no need to change the Constitution when you can change the Standing Orders and by inference the Standing Orders changes the operation of the Constitution.

Certainly, I would have to credit them with that savvy to realize that if they can get by with slicking a little Constitutional change, a little change in the Standing Orders there is no need to do such a controversial thing as to change the Constitution.

I am saying that in this change of the Standing Orders, they are affecting the operation of the Constitution. I am saying too that in the final analysis the people will be the judge. We are all Caymanians, let us not forget that Caymanian people have the memories of an elephant and quite often we will do one bad thing and 10 good things but what is remembered is not the 10 good things that we did, but the one bad thing.

I have to say there are few people in our society now who are more respected and more popular than our Honourable Financial Secretary. That is, from the highest echelons of Caymanian society to the very basic grass roots people.

I have trod my constituency and I was surprised to know the number of people in Bodden Town who are interested and concerned that this change will be demoting our respected Financial Secretary, whom, I can safely say, most of these people have not met the man personally, but they have read of him, they have heard of him and they have heard him on the radio, and they trust him at the helm of this country's finances. They are concerned about this move.

I am asking the Elected Members of Executive Council and their supporter on the Backbench to take these things into consideration.

You know if you play with fire, you are bound to get burned and sometimes even the greatest master makes a mistake, even the most skillful trampoline walker will stumble and fall and sometimes the safety net will save him from serious injury, but this time the trampoline walkers are walking without the safety net and if they fall, they are going to get hurt.

Politically it is worrying investors. It is worrying the man on the street, the Civil Servants, the middle-class and it is worrying the Backbenchers.

I have reason to believe that it is agitating and I want to make myself and the case explicitly clear, we Backbenchers are responsible people, we do not condone anything which is outside the legal democratic and constitutional parameters.

But, I am asking the Elected Members of the Executive Council, just like they were some months ago, tramping around district to district, telling people that we were irresponsible and we were power hungry. I am asking them now to be responsible and to be cognisant of the obligations that they have and to realize that this is not a popular move.

If they wish, if they believe that the gamble is worth the risk, then it is their political future that they are mortgaging but they must also realise that, we, the seven of us on this side, who have thus far come out against this motion have a responsibility to keep our people informed, educated and aware.

I am still learning the intricacies and the workings of this system. I must say I am fortunate. I am glad that I do not have to contend with this monster which is called 'collective responsibility'. I do not know how I could deal with that, especially if it went against my conscience.

I do not know how I could put down someone whom I know, whom I admit - because there is an admission in the records - has done a good job, indeed someone who has gone over and beyond the call of duty just for the sake of political expediency. But I realise that politics change people and some political changes in individuals are indeed profound. The logic escapes me however, when the change goes against the grain of what has been established by precedent, by tradition and by history.

I am appealing to the Mover to withdraw the motion, because it can serve no good purpose, save to further divide us, save to further agitate our emotions, save to aggravate an already inflammatory situation.

We, in the Cayman Islands have prided ourselves on political stability. We have prided ourselves on the fact that we are one of the most, if not the most, desirable investment centres, not only in the region, but in the world.

I am saying that this move is contrary to that reputation. It is contrary to the position we have held in international world and while the argument is laid, that if it was so detrimental the Foreign and Commonwealth Office would not allow it to go on, or that our Head of State would not tolerate it. That is not a convincing enough excuse.

The people have voiced concern, their representatives have voiced concern, but more importantly and perhaps most importantly, the majority of the Elected Members of Parliament have said, "No, no, it cannot go!". So what kind of an equation do we have here? On the one hand, we are saying we are a system, we are a country where majority rules and on the other hand, we are saying yes, but the majority only rules when it is convenient for us, the Elected Members of Executive Council, in the minority to make them rule.

This motion had its genesis in what happened during the December sitting of the Finance Committee. That is an irrefutable fact and the urgency is now, that this is June, they cannot let another November catch them in that same position especially as the Backbench now is complemented by a re-invigorated Second Elected Member for Bodden Town.

Is it worth the risk? Is this motion really worth all this strain, the trials and tribulations he is putting us through? The emotional and rancorous stress, the physiological trauma, the efforts to inform our constituents to lobby, the change in the structure, the additional burden to our Governor who will have to take on the added responsibility of Chairman of the Finance Committee but above all, is it not an injustice to one who has served so well? People say, "Oh, do not worry that is not a serious setback. That is a demotion of the highest order.". Is that a reward for efficiency, for integrity, for honesty? If it comes from the system, then let us examine the system as sensible, reasonable and honest men.

I wonder if the Board of Directors and the shareholders in a bank had a Managing Director, who, for 30 years, served them well, kept their ledgers in the black, made the dividends pay, made their bank attractive to investors and to creditors, if the reward for that would be to move him from the office with the desk marked Managing Director, to a little old cubbyhole which said, 'teller'. You know what that bank would deserve? That bank would deserve to sink. You know what those directors and shareholders would deserve? To have to stand on the street corners like the Salvation Army people do and ring a bell and hold out a pan.

This cannot be seen in any other light but to be of serious detriment to this country. I am saying that investors are concerned about it, bank managers are concerned about it, and it would be interesting to take a poll to see the number of these influential people who are against this move and who have serious reservations about it, compared to those who think it is a move in the right direction.

This is not a progressive step, it is a retrograde step that is taking us back 30 years into history. We should know better, because the Mover of this motion is one of the most long-serving, one of the most knowledgeable, and up to the point at which he moved the motion, I believe to be one of the most dedicated Parliamentarians in this country, but now I have some reservations on the last adjective. I am beginning to think that maybe he should sit with the Backbenchers and have a little soul to soul talk so that we can put him on the right track.

MR. PRESIDENT:

It is just 4:30, how are you placed for completing your speech?

MR. ROY BODDEN:

Mr. President, I would like to continue at a later time, Sir.

Tomorrow morning is fine.

MR. PRESIDENT:

Thank you. I will then call for a motion for the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:
O'clock tomorrow morning.

Mr. President, I move the adjournment of this House until 10

THE PRESIDENT:

morning at 10:00 A.M. Those in favour please say Aye, those against no.

The question is that this House do adjourn until tomorrow

AGREED. AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., FRIDAY, 15TH JUNE, 1990.

**FRIDAY,
15TH JUNE, 1990
10:09 A.M.**

MR. PRESIDENT: The First Elected Member for Bodden Town.

PRAYERS

MR. ROY BODDEN: Let us Pray.
Almighty God, from whom all wisdom and power are derived:
We beseech Thee so to direct and prosper the deliberations of the Legislative Assembly now assembled, that all things may be ordered upon the best and surest foundations for the glory of Thy Name and for the safety, honour and welfare of the people of these Islands.

Bless our Sovereign Lady Queen Elizabeth, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, Diana Princess of Wales and all the Royal family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Members of Executive Council and Members of the Legislative Assembly that they may be enabled faithfully to perform the responsible duties of their high office.

All this we ask for Thy great Name's sake, Amen.
Our Father, who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done, in earth as it is in Heaven. Give us this day our daily bread: And forgive us our trespasses, as we forgive them that trespass against us: And lead us not into temptation; but deliver us from evil: For Thine is the Kingdom, the power and the glory, for ever and ever. Amen.

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

MR. PRESIDENT: Proceedings of the House are resumed.
Item 2 of today's Order Paper, Questions No. 104, the First Elected Member for West Bay, please.

QUESTIONS TO MEMBERS

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR EDUCATION ENVIRONMENT RECREATION AND CULTURE

No. 104: Can the Honourable Member give a list of the overseas' institutions of higher education which Government recommend?

ANSWER: Students leaving the Cayman Islands to study overseas attend a diverse range of institutions dependent upon a number of factors, including the area of study approved to be pursued.

Regionally we recommend the University of the West Indies and its associated colleges.

Education Council long ago approved that in North America an institution would require listing as competitive or above, in one of the major college guides in order to be considered 'recognised'. The catalogue in use for some time now is published by Barons and I have attached a listing of institutions which fall in those categories mentioned above.

In the United Kingdom, institutions such as Polytechnics, colleges and universities are listed in an Education Authorities Directory. Since we are not aware of a publication which does a rating exercise for United Kingdom Institutions, Council tends to be guided in its perception of the acceptability of a particular institution by reference to the standards of admission required by that institution.

Approval for attendance at any of these various institutions in different jurisdictions is based on the student's eligibility and acceptance for the course of study being pursued.

Mr. President, I should add, that subsequent to the preparation to this written answer, we have received a publication of United Kingdom Institutions which the Portfolio had ordered.

Thank you, Sir.

SUPPLEMENTARIES

MR. PRESIDENT: Supplementaries.

MR. W. McKEEVA BUSH: Mr. President, this list attached to the answer, how old is this?

HON. BENSON O. EBANKS: Mr. President, I really did not do that myself, but I understand it is the 1988 guide and that is not exhaustive. That is not an exhaustive list. This is the total list of universities and this is the two year colleges. The book on the colleges, has 1411 pages and the one on the two year colleges, a rough guess would be about 250.

MR. PRESIDENT: Any other supplementaries? No.
Question No. 105, please, the First Elected Member from West Bay.

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

No. 105: Can the Honourable Member say what progress has been made on implementing Private Member's Motion No. 2 of 1989, passed by the Legislative Assembly on the 28th February, 1989, which recommended that vehicle inspection, licensing and collection of fees be instituted in as many districts as possible?

ANSWER: The collection of fees in districts has been reviewed and such a service would not prove feasible or appropriate at this time due to inadequate secure collection offices, the considerable increase in the complexity of duties of district staff and the consequent costs.

The Government revenue collection procedures are designed on a departmental basis and there would be a loss of financial control and security arising from a change to general collection of a variety of debts at one point at the moment. However, the future increased use of computing may give the opportunity for reconsideration and the matter will be kept under review.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries? The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, although under Private Member's Motion No. 2/90, a recommendation was made that the inspection and licensing should be carried out in the districts, I wonder if the Member could say whether or not it is correct that there are now plans to separate the inspection of vehicles and that this will be done at the Central Funding Scheme?

HON. J. LEMUEL HURLSTON: Mr. President, I can confirm that a proposal is under consideration to establish a Motor Vehicle Authority that would, among other things, assume the responsibility for licensing and inspection of vehicles. That is a proposal which is under consideration. The matter, therefore, could be separated and at that time, other implications will arise. It is a proposal under consideration, Sir.

MR. JOHN B. McLEAN: Am I to understand, Mr. President, that the proposal is that, it will be at the Central Funding Scheme?

HON. J. LEMUEL HURLSTON: The Central Funding Scheme has certain facilities, Sir, which are included in the proposal and some of the work could possibly be done at that location. Yes, that is included in the proposal, Sir.

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

MR. TRUMAN M. BODDEN: Mr. President, would the Member consider that based on the reason given of the inadequate secure collection offices, whether these inspections, only, could be done in districts and the inspection fee of \$10 paid when the registration fees are paid centrally or wherever you are going to put it? Because the inspection seems to be the time-consuming and difficult part.

HON. J. LEMUEL HURLSTON: Yes, Sir, that is possible.

MR. TRUMAN M. BODDEN: Obliquely related to this, Sir.

MR. PRESIDENT: Could you kindly speak up a bit? I cannot hear you.

MR. TRUMAN M. BODDEN: Obliquely related to this is whether the Government did consider inspections, at least on new or newer cars, for longer periods than one year, for example two or three years?

HON. J. LEMUEL HURLSTON: Mr. President, that suggestion, too, is included in the proposal currently under consideration.

MR. W. McKEEVA BUSH: Mr. President, in connection with this Resolution the points were made that perhaps garbage fees, dog licensing and that sort of thing could be done in the districts. Have they given consideration to this or is it just vehicle consideration?

HON. J. LEMUEL HURLSTON: Mr. President, the Government has given consideration to the entire gambit of fees that could feasibly be collected on a district-wide basis and they include garbage fees, dog licenses, bicycle licenses, police records, fire arm licenses, driving licenses, radio licenses, school fees, cemetery fees, hire of halls, spear gun licenses and small boat taxes.

MR. W. McKEEVA BUSH: And none of these can be paid in the district?

HON. J. LEMUEL HURLSTON: Not at the moment, Sir.

MR. W. McKEEVA BUSH: Mr. President, we are in the process of expanding the West Bay Post Office. I am wondering if the Member in conjunction with the Member responsible for post offices could give an undertaking to look into this matter, since we are expanding the West Bay Post Office?

HON. J. LEMUEL HURLSTON: Mr. President, I did say that the matter will be reconsidered, as and when, all of the facilities, including staff and computerization equipment become available.

MR. TRUMAN M. BODDEN: Mr. President, would the Member say when he thinks he would be in a position to come up with a firm decision on this, time wise?

HON. J. LEMUEL HURLSTON: Mr. President, it is very difficult to put a time on these kind of expansions. The matter will, however, be given a fairly high priority and kept under regular review.

MR. PRESIDENT: Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, I believe it was during the Budget or during the Finance Committee that a suggestion was made, and backed by a Motion, that a trial run on inspection and licensing be carried out in the West Bay Police Station. I wonder if the Member could say if anything was ever done on this?

HON. J. LEMUEL HURLSTON: Yes, Mr. President.
That particular location was in fact the subject of the Motion, the suggestion was made during the debate and the Motion was accepted on the basis that Government would consider using West Bay as a pilot project and to experiment the feasibility in that location. However, when given further consideration as to the facilities and staffing and record keeping, the matter became too complicated to be dealt with on a pilot project basis. That alternative had to, therefore, be abandoned.

MR. PRESIDENT: Question No. 106, please, the First Elected Member for West Bay.

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

No. 106: Can the Honourable Member say:-

- (a) What was the cause of the accident of the police boat in the North Sound;
- (b) What was the full cost of the entire operation to have the boat raised;
- (c) Whether or not the boat will be put back in operation; and
- (d) Whether or not there are intentions to replace the boat?

ANSWER:

- (a) The cause of the accident is now being determined by the Deputy Commissioner of Police who has just received a full report from the senior officer designated to investigate the incident. Until the question of whether disciplinary measures are necessary or not it would be inappropriate to comment on cause at this stage.
- (b) Costs of \$600 were incurred due to the loss of an electrical pump being used by one of the salvage operators. No other costs were incurred.
- (c) The insurance assessor completed his report soon after the accident and the response of the underwriters is now awaited. Whilst not wishing to say what that response will be, it is considered probable that the vessel will be declared a write-off.
- (d) Yes, but probably not for the exclusive use of police as the Commissioner of Police is

Chairing a committee seeking to determine the marine requirements of all departments with a view to maximising resources. Expert advice will be sought to ensure that the most suitable craft for all operational needs is recommended for purchase.

SUPPLEMENTARIES

- MR. PRESIDENT:** Supplementaries.
- MR. W. McKEEVA BUSH:** I wonder if the Member could look into his crystal ball and see if they intend to get another fabulous Bertram?
- HON. J. LEMUEL HURLSTON:** No, Mr. President, I cannot look into my crystal ball, Sir.
- MR. PRESIDENT:** Elected Member for East End.
- MR. JOHN B. McLEAN:** Mr. President, could the Member say what was the crew complement at the time of the accident on the police boat?
- HON. J. LEMUEL HURLSTON:** No, Mr. President. I do not have that information, Sir.
- MR. PRESIDENT:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** Thank you, Sir.
Mr. President, I wonder if the Honourable Member could say, in procuring a replacement the intention is to get a boat suitable for the purpose of patrol and apprehension?
- HON. J. LEMUEL HURLSTON:** Mr. President, the intention is to seek advice in consultation and in conjunction with all departments that have operational requirements to ensure that any replacement is suitable for a variety of purposes.
- MR. PRESIDENT:** Elected Member for East End.
- MR. JOHN B. McLEAN:** Mr. President, I wonder if the Member could say whether the Captain of the police boat at the time of the accident was a seasoned seaman?
- HON. J. LEMUEL HURLSTON:** No, Mr. President, I could not confirm, because I do not know who the Captain was.
- MR. PRESIDENT:** The Second Elected Member for Bodden Town.
- MR. G. HAIG BODDEN:** Mr. President, I was going to ask the same question. Perhaps I can ask, is anyone at all in the police force with any knowledge of seamanship?
- HON. J. LEMUEL HURLSTON:** Yes, Mr. President, the Officers attached to the Marine Section of the Royal Cayman Islands Police Force are all given appropriate training and all have relevant experience for the jobs that they perform.
- MR. PRESIDENT:** First Elected Member for West Bay.
- MR. W. McKEEVA BUSH:** Mr. President, the Member has said that there has been a report just completed. Is he in possession of the report or has he seen or read the report?
- HON. J. LEMUEL HURLSTON:** Mr. President, the report has been submitted to the Commissioner of Police, I have not seen it, Sir.
- MR. ROY BODDEN:** Thank you, Sir.
Mr. President, I would like to ask the Honourable Member the ratings or the licenses held by these qualified Officers? Could he give us some information on their backgrounds, are they internationally rated or they a particular Panamanian, Liberian, which nationality?
- HON. J. LEMUEL HURLSTON:** No, Mr. President, I do not have the details of the qualifications of the crew. But I can assure the House that the crew of vessels have adequate and suitable qualifications and experience for the duties they perform.
- MR. PRESIDENT:** If you are following up your immediate supplementary, you are following up the previous supplementary? Well, then, would you take the next one?

- MR. W. McKEEVA BUSH:** The Member said that they had done some..did he say training, am I right?
- HON. J. LEMUEL HURLSTON:** Yes, Mr. President, there are facilities for training. Officers are sent occasionally to facilities abroad, the most recent being an arrangement with the Royal Canadian Mounted Police where a number of Caymanian Officers have been sent on courses and have received training in Marine Operations.
- MR. W. McKEEVA BUSH:** And these Officers on this boat received that training?
- HON. J. LEMUEL HURLSTON:** Mr. President, I could not confirm that, because as I said in an earlier answer, I do not know who the Officers were on the boat.
- MR. PRESIDENT:** The First Elected Member for Cayman Brac and Little Cayman.
- CAPT. MABRY S. KIRKCONNELL:** Supplementary, Mr. President.
Mr. President, I wonder if the Honourable Member could say if it is a requirement that the senior crew members of a police boat be commissioned Police Officers or they can be professionally trained in the marine field?
- HON. J. LEMUEL HURLSTON:** Mr. President, both methods have been tried in the experience of the force. The force has previously used a licensed Master Mariner and it has also used other experienced persons who have been trained, but who were not Master Mariners. Both types have been tried and they both have advantages and disadvantages.
- MR. PRESIDENT:** I think the Elected Member for East End was next.
- MR. JOHN B. McLEAN:** Mr. President, I would like to ask the same Member, what is the length of time for the Marine course that you are talking about in Canada?
- HON. J. LEMUEL HURLSTON:** Mr. President, I do not have the details of the course with me, but they are a variety of courses, some of moderate duration, four months. Others of lesser duration, a matter of five or six weeks.
- MR. PRESIDENT:** First Elected Member for West Bay.
- MR. W. McKEEVA BUSH:** In the days that I have seen the boat at the Sand Bar in North Sound, in party style, did they have qualified trained policeman then?
- HON. J. LEMUEL HURLSTON:** I cannot answer that question, Mr. President.
- MR. W. McKEEVA BUSH:** The Member was not on the boat then.
- MR. PRESIDENT:** That did not appear to be a question. Any more supplementaries? Were you asking the Member whether he was on the boat, then? You actually did not phrase it that way, ...
- HON. J. LEMUEL HURLSTON:** No, Mr. President, I can assure the Member that I was not on the boat.
- MR. PRESIDENT:** Second Elected Member for Bodden Town.
- MR. G. HAIG BODDEN:** Mr. President, I wanted to ask the Member if any of the Officers on the boat at the time of the accident had been involved in a prior accident with another police boat?
- HON. J. LEMUEL HURLSTON:** Mr. President, I seem to recall asking that question myself, and the answer I remember being given was that the Officer commanding the vessel in this occasion was not the same as the Officer commanding the vessel that had an accident previously.
- MR. PRESIDENT:** Elected Member for East End.
- MR. JOHN B. McLEAN:** Mr. President, can the Member say who was the Captain at the time of the accident?
- HON. J. LEMUEL HURLSTON:** No, Mr. President, I believe I said earlier, I do not know.
- MR. JOHN B. McLEAN:** No, I think you said no, to the crew complement, but I just thought you might have the name of the Captain.

MR. PRESIDENT: Final question please, on today's Order Paper the Second Elected Member for Cayman Brac and Little Cayman Question No. 107.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND AGRICULTURE

No. 107: Would the Honourable Member say what is being done to bring to Cayman Brac and install the 60,000 gallon desalination plant which is now in Grand Cayman?

ANSWER: The Water Authority has investigated the possibility of locating the small desalination plant in Cayman Brac and constructing a storage facility, some piped distribution to the South West part of the island and a truckers' facility. The Authority has designed and costed a system and has submitted the proposal to Government for its consideration and approval. As soon as approval is forthcoming the Water Authority will be in a position to order materials and commence the necessary work.

The owners of the desalination plant are making modifications to the energy recovery system of the plant and are preparing it for installation in Cayman Brac. The plant will be ready for shipment to Cayman Brac towards the end of July and, provided approval is given in the very near future, water could be available by pipeline by the end of the year.

SUPPLEMENTARIES

MR. GILBERT A. McLEAN: Would the Member say whether the hold up or the speed with which the plant gets to Cayman Brac, would be dependent on whether Government accepted the idea or is it based on whether the company which owns the desalination plant can make the modifications suitable to its transfer?

HON. LINFORD A. PIERSON: Mr. President, the hold up in this matter is that a financial feasibility study is now being carried out by the Financial Secretary's office and as soon as this is prepared we will be able to move on it.

MR. GILBERT A. McLEAN: Mr. President, in speaking of a feasibility study, is it expected that that study must show that this will be a profit making venture in Cayman Brac or is thought being given to the fact that water is needed and it might have to be subsidized by Government?

HON. LINFORD A. PIERSON: Mr. President, in the proposal that the Water Authority made to my Portfolio in March, 1990, which proposal has also been submitted to the Finance Department, it is made quite clear in that proposal, that the installation of a public water supply in Cayman Brac cannot, at this point in time, be regarded in terms of the economic or profitability of that project.

It would fall in the same category as any other project such as the Port Authority or Cayman Airways that, of necessity, has to be supplied to Cayman Brac.

So at this point in time the Water Authority is not viewing this project as a very profitable one. Even though from an operational point of view it is expected that the Authority will be able to meet the day to day cost, but certainly the capital cost the Water Authority would expect some subsidy or assistance from the Government.

MR. PRESIDENT: There appear to be no further supplementaries. In that case the House will move to item three on today's Order Paper, Government Bills, first reading.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE STAMP DUTY (AMENDMENT) BILL, 1990

CLERK: A Stamp Duty Amendment Bill, 1990.

MR. PRESIDENT: A Bill entitled the Stamp Duty Amendment Bill 1990 has deemed to have been read a first time and is set down for Second Reading.

MOTION AS AMENDED TO REJECT THE RECOMMENDATIONS CONTAINED IN THE REPORT OF THE STANDING SELECT COMMITTEE ON STANDING ORDERS

MR. PRESIDENT: The next item on the Order Paper is the continuation of the debate on the Motion as amended on the Report of the Standing Select Committee on Standing Orders, the First Elected Member for Bodden Town, continuing.

MR. ROY BODDEN:

It is regrettable that there are no mechanisms or persons in this country capable of taking a scientific poll which would measure the extent of popular opinion for or against this proposed change in the structure of the Finance Committee. It strikes me that would be one way which would convince the Elected Members of Executive Council of the folly of this proposed move.

Last evening I had occasion to shop at one of the more popular supermarkets in George Town and I was moved by the number of people, shoppers like myself, but even more so, by the staff. In three departments of that supermarket staff members had their transistor radios following the debate and they engaged me in a conversation and encouraged me to impress upon my colleagues on the Backbench to continue our struggle because the staff, and the public, are against this proposed move. These sentiments, the expressions as frequently read in the daily paper, the demonstration, the petition which is being circulated, are the most palpable and damning evidence that there is a deep wound in our society brought on by this Motion of the Elected Members of the Executive Council and I am saying that if it is not repealed, it is going to destroy our country.

You know it is easy when the shoe is on the other foot and I vividly recall that time, a year ago, when we were getting banged up, when we were called all sorts of unflattering names - renegaded, power hungry! People who wanted to destroy the political and economic stability of the country! But now, Mr. President, the shoe is on the other foot and we do not hear those kinds of descriptions and those epithets and those adjectives. Yet the people are saying we do not wish this radical change.

I wonder if it is worth the price that they are going to have to pay? Because if they do not know what the price is, I can spell it out to them, it is political suicide! Does it profit a man, to change up the Finance Committee at the expense of his political future? That is a question for them. History and the Caymanian people will not go too kindly.

Is it not political? It is political, but it goes deeper than that. It is a destructive move which is going to destroy the very foundations on which this country's economic and political stability have been laid. I have to argue again, this is a radical change and no one, no use of the language, no word of with however many meanings can say otherwise.

I have to wonder again, what is the motive? Who was the dreamer of this evil scheme? To what extent is the collusion? You know I really have to marvel and I must say that this experience is the best learning experience I have had on the paradoxes and the contradictions of politics. I have lived to witness that someone who was not worthy of eating a simple dinner of salt beef and beans is suddenly fed lobster at exclusive restaurants. Someone who was driven, because at that time they were thought unnecessary, unneeded and unimportant, is suddenly limousined away and nurtured like a young wife would be. Is it worth that? Is it worth that? Is it worth it to jettison our conscience; to jettison the wishes of our people for some selfish scheme?

There are many noteworthy aspects to the argument against this but the most noteworthy of all is the fact that it goes against the grain and against the wishes of the people who put us here, namely the electorate. It is particularly grieving and vexing and I would like to repeat this. It is particularly grieving and vexing that the victim of this exercise will be perhaps, the most undeserving person to be the victim. It must be discouraging, it must be discouraging to someone who has been dedicated, efficient, thorough and full of integrity to be handed this.

Is it the system? If it is the system, then it begs the question, what can be done, what should be done? Or is it a scheme by politicians to turn the balance, to change things because when the next Budget comes around they would not want the Backbenchers to be in the position they were last November. I am submitting that that is a great part of it. That is a great part of it.

Before attempting to resolve this dilemma, it will be helpful to ponder two issues. I cannot see how it is moral and ethical to ask a man to sit in judgement upon himself and then to vote to condemn himself, when he is not convicted and when he does not need condemning.

I say that to appeal to you, to let the people of the Executive Council vote their conscience. I would hate to know, Mr. President, that I had to sit at my trial, listen to unconvincing evidence, but yet, because of my association, had to vote to have myself executed.

I believe that you should consider giving the Members of Executive Council the freedom to vote their conscience. This, is an issue of conscience. It can be no other way and the paradox of this system (and one of these days I am going to chronicle this, because I would like to be an expert), the paradox of this system is, that the Honourable Member whose future is at stake, at one stage of these proceedings was able to vote to maintain the status quo but at another stage had to vote to condemn himself, not because he is guilty or not because he needs condemning but because of his very position in amongst the people who want him removed.

I cannot for the life of me understand the contradictions. That tells me it is a question of conscience. That tells me there should be freedom. The veil should be lifted. This is a conscience vote as much as it would be a conscience vote for a jury to vote on someone tried for a capital offense.

Because, there is no difference what is happening here, it is that the future of the Honourable Financial Secretary is on trial. His professional future is on trial and notice the question of misconduct is not into it. It is purely an issue of power, he is not accused of anything.

I am saying, it would be compassionate to give the Honourable Members of Executive Council the freedom to vote their conscience. This is as much a conscience vote as much as it is a vote against the Elected Members of the Executive Council and their policies and their direction of this country's affairs. This is as much a conscience vote as it is a vote against the political directorate of this country.

If the Honourable Member is condemned in here, let me categorically state that he is acquitted by the general public and they will have the last word because in this case

they are the supreme court.

We of the Backbench will not let the matter rest if we believe that justice has not been done. We will do everything within our legal democratic and Constitutional means to redress the situation if we think it needs redressing.

I would like to crave your indulgence, Mr. President, and I am going to be courteous to read a passage from a book called the 'True Believer' by a longshoreman cum philosopher who is now famous and perhaps the Elected Members of Executive Council will do well to heed this sage advice.

"For men to plunge head long into an undertaking of vast change, they must be intensely discontented yet not destitute. And they must have the feeling that by the possession of some potent doctrine, infallible leader or some new technique they have access to a source of irresistible power."

That is the key, they want access to a source of irresistible power. But listen: **"They must also have an extravagant conception of the prospects and potentialities of the future."** But check the condemning part: **"Finally they must be wholly ignorant of the difficulties involved in their vast undertaking. When a policy fails the opposition has a special responsibility to point out that failure."** Those are the words of Mr. Thomas Tip O'Neil in 1984, Speaker of the United States House of Representatives.

The elected Government has failed in their policies. We on this side have pointed out their failures. We have pointed out the contradiction in their method whereby they are now attempting to cannibalize on the one Member who has put this thing together and who has held the helm of the ship firmly and confidently when he was called upon to do his turn on the bridge. The Elected Members of the Executive Council are now cannibalizing on that Member. They would be condemned in the most primitive of societies. In the most primitive societies there would be taboos against this kind of behaviour. Even among the head-hunters of the Amazon jungle. All of the excuses in the world however eloquent, are not convincing in this case. What is important is, it is not only the Backbench who remain unconvinced but it is the general public.

You know the great philosopher, the great social commentator John Jacques Rousseau, talked about the general will, the importance and the power of the general will. I wonder if these people know that their Motion, their desire to reconstitute, to radically change the structure of the Finance Committee, goes against the general will of the Caymanian people.

We often talk about democracy in these hallowed halls. We talk about democracy every sitting, every day. This is the foundation of democracy. Respect for the general will. Respect for the wishes of the people. This Motion is going against that. This Motion is flying in the face of the people whom we are elected to represent, they do not want the change. Anyone who advocates it and supports it, is going to pay with his political future. It is as simple as that. But the full stop is not placed there, because I have to add they are running the risk of destroying the country. Our very future is at stake. Economic and political. Is it worth that? Is it so valuable?

I would like to know the extent of this conspiracy because I can not call it anything else. I would like to know the depth of this collusion, who has colluded with whom and who has conspired with whom? I am saying that it is nothing short of cannibalism. Political cannibalism inspired by the desire of a small group to control the finances of this country. For what purpose and to what extent? I am also saying it is an unworkable situation. It is an unholy alliance, it is a marriage of convenience that will not work. If that is not believed, let it happen and history will be the proof.

I am not a long speaker and I am going to wind up like I began with a simple paradox. Any system where the Elected Members of Executive Council want to decide in total absolutism and with total disregard for the other Elected representatives of the people just because they want the right to vote monies for needed projects, bears review. Any representative, any Executive Council or any political directorate who says that the people's representatives have no right to vote money for the projects needed in their district, as was said by the Member with responsibility for Education Recreation and Culture who moved this Motion, that the people's representatives have no right to vote monies for district projects like the West Bay Post Office; the road works in Bodden Town; the renovations of the Town Hall or the Launching Ramp, does not have the country at heart.

You see, I believe that all politics are local. My mother used to tell me that charity begins at home. You take care of your constituency first and if each Member takes care of his constituency then when we add that, what do we get? A totality in which the country as a whole is taken care of and the quality of life in this nation and in these Islands will have improved. But therein lies the crux. Therein lies the break down. Because what they were looking for were extension cords. There were none to be had because some people can only work with extension cords. The rules have changed now. The political sophistication has grown. Our constituents are becoming politically literate and aware. Each man now must stand on his own merit. You can not get by, by being what we call in street parlance "Fyin Fyin". Like I said at the beginning, when I use a word it means just what I choose it to mean. Neither more, nor less. "The question is", said Alice, "whether you can make words mean so many different things". "The question is", said Humpty Dumpty, "who is to be the master...", Elected Members of Executive Council or the people through their representatives on the Backbench? Is it worth cannibalizing? I hope that when the Member takes us through the looking glass, through Alice in Wonderland, that he leaves our country as he found it, politically and economically intact with contented people.

Mr. President, I rest my case.

MR. PRESIDENT:

The First Elected Member for Cayman Brac and Little Cayman.

CAPT. MABRY S. KIRKCONNELL:

Mr. President, I share the concern of all Honourable Members in this House, and all citizens and residents of the Cayman Islands. I rise to give my position as I see it. I have heard much rhetoric and debate. Much expenditure has been made travelling to my district and the other districts. I have not engaged in that, but today I shall take the opportunity to explain to the people of this nation, how I interpret what we are supposed to be debating here today.

We are not debating a constitutional amendment, we are considering the amendment to Standing Orders, the rules by which this Honourable House conducts its affairs. The Members of the Standing Orders Committee consist of the 15 Honourable Members of this House. Before going and creating the total social and political unrest that now exists within our nation it would have been far more appropriate for my 11 elected colleagues to have sat down and negotiated this situation. I have in the past few months asked that we attempt to resolve our differences in order that this country could be governed in the manner in which we received the mandate from our people to govern.

Much has been said in this House, during this debate, of my not being elected to Executive Council in November of 1988. For me to stand here and tell you today that that was not a disappointment I would not be telling the truth which, I always endeavour to do. It was a disappointment but I am here today to tell you that I believe in parliamentary democracy. I received five votes for the Executive Council, other Honourable Members sitting across from me received 12 votes and 7 votes therefore, they clearly had the majority. At the completion of that election, I walked across the hall, congratulated them and asked each one individually, in view of the fact that the district which I represent is separated by water from Grand Cayman, that my district not be neglected in any way. This assurance was given to me and I pledged my support then, and I pledge my support today.

The Executive branch of Government must remain the Executive branch. I still say, it is not too late for Honourable Members not to criticise and crucify each other, but let us try to negotiate. I beg and plea with Honourable Members, because the ability to resolve this situation rests with the 12 of us, not the masses that are putting posters and demonstrating outside the Chamber and spending vast sums of money in the press. That cannot solve the problem, Mr. President. The desire to cooperate must exist and unless it exists, nothing can be achieved. I want to make it abundantly clear that I have had the honour of standing in this Chamber representing my district since 1980. I have lived in Cayman Brac, off and on, all of my life. I did not go to Cayman Brac, in 1980, I came to the Legislative Assembly in 1980. I feel very concerned about the future of this country. I do not think there is any man, woman, boy or girl more concerned for the future than I am, but I say without parliamentary democracy and social rest, we cannot prosper. Petitions, regardless of their nature, tend to divide, not to unite. Our purpose as Legislators was that we could come to a consensus of opinion and rule this country the way it should be done. At that time at least the people were behind us.

As I said, the issue at hand is the amendment of Standing Orders. Having been in this House for a number of years, in 1985 a Motion was brought to this House that Standing Orders be reviewed. A complete review was made of Standing Orders, reported back to this House and was approved by the President. There was no social unrest, no posters printed or advertisements, political in nature, throughout the nation. We did what we thought was best and I would hasten to say at that time there was absolutely no need to amend what is being looked at today.

In 1986 errors came to light that had been made in the Review of 1985. Again the Standing Orders Committee reviewed, made amendments and they were approved without this cry from the community. I do not understand today why we could not have gone together, the 15 of us who make up the Standing Finance Committee, and solved this problem.

I would now like to touch, Mr. President,...I do not interrupt other people when they are speaking...and I would like the same respect shown to me.

I again say unless there is a will to agree, there will be no agreement. It is apparent that this is an attempt to further divide us and not to unite us. This is not the first issue that has become a major issue. I have stood in this Honourable House and made an intelligent decision on many occasions, most of the time unfortunately my decision is not a popular decision, but I make my decision in consultation with my God, Whom I revere and serve, and with the best intelligence that I have.

I support the Government when I feel their actions are in the best interest of the present and the future of this country. I oppose them when I cannot support what is before this Honourable House. I have on many occasions joined with my colleagues on this side of the House and I want to make it abundantly clear, I have never forgotten that I am a Backbencher. I have never been confused since I stood in this House to feel that I had executive responsibility, nor neither did I have Executive Council authority. I resigned to the fact that I am a Backbencher and I am guided accordingly.

I want to make my position clear, not only to this Honourable Chamber, but to the nation by way of Radio Cayman, that I have no opposition, whatsoever, to the Honourable First Official Member, the Financial Secretary. I admire his ability, I respect him as a gentleman. I am not here to try to do what I have heard other Members say. I think they are using words that should not be used. He has my greatest respect. I am here simply attempting to amend Standing Orders, and the final decision I have not made as yet.

If this Motion is passed, we will only be amending Standing Orders; we will not be amending our Constitution, and at this time I would like to say to the nation that I feel the Cayman Islands are a most fortunate territory, in the fact that we are associated with our mother country, as a British Crown Colony. Whether we realize it or not, it has been through the stability of our mother country that we have been able to make the financial progress in our financial industry and tourists come to our country because we are stable. The actions of recent days do not tend to encourage this type of community. I caution each of us to be careful what we do, because not only will we suffer but the generations that will follow will also suffer.

I said at a meeting in my district a few nights ago. I have no children, so when my eyes are closed in death, there will be no one other than my wife who will know the want of me. But many of you here have been blessed with children, grandchildren and possibly some great-grandchildren, whom will know the want. So I bear in mind I love this country and I will do nothing in anyway that will destabilise it. I would like again to emphasise that cooperation can eliminate what is going on now.

As I said, this is not an attack by me regardless of who may preach this. I have nothing but good words to say about the Honourable Financial Secretary. I have had the privilege of serving under him from the time he became Financial Secretary, as when I entered this service the Honourable Vassel Johnson was then the Financial Secretary. So he came here and found me in this Honourable House.

Something which I think has been completely ignored by those speaking, is the fact that the Honourable Financial Secretary, in his very high position, often acting as Governor, will on some occasions be the Chairman of this Honourable House, in Finance Committee. If he finds it necessary to call a meeting he will be the Chairman. But unfortunately when he is the Chairman, he will only have the authority to control the quorum of the Committee, not a voting member.

I have, since being in this Honourable House, seen on several occasions when the Honourable Financial Secretary was busy with very important responsibilities and had to send his Deputy to Chair a Finance Committee meeting. So it is not impossible that he could sit in this seat as Chairman as the Presiding Officer of this House, acting for the Presiding Officer, and the Deputy Financial Secretary could act in the position of Financial Secretary.

The Standing Order amendment that we are looking at very clearly says that the Finance Committee will consist of 15 Members. It does not say 15 Members and the Presiding Officer. Therefore it is limited to the 15 Members of this honourable House, it includes the three Official Members, three Honourable gentlemen whom I highly respect. The Chairman will not have a voting right in this Finance Committee if this Motion passes. The Honourable Financial Secretary will move the agenda to the meeting. He will be the man who will do the explanation, he will still, in essence, be the person moving the Bill. Therefore, he will be the one winding up and still in command. I do not consider that this is being disrespectful. I would like, before leaving that subject, to say that I think we are reading into this amendment what is not intended and certainly what is not really written into it.

MR. PRESIDENT:

Would it be convenient to take the break there?
Proceedings are suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:23 PM

PROCEEDINGS RESUMED 11:48 PM

MR. PRESIDENT:

Proceedings are resumed.
The First Elected Member for Cayman Brac and Little Cayman,

continuing.

CAPT. MABRY S. KIRKCONNELL:

Thank you, Mr. President.

When we took the break I was talking about the Chairmanship of the Finance Committee as recommended by this amendment. If it is passed, it would be the Presiding Officer. Much has been reported in the press and by the spoken word that the Chairman would become the Governor. I would like to say that although it will be you, His Excellency in person, not in your capacity as your Excellency, but as the President of this House presiding. That has been misconstrued completely. It has been stated that authority will be taken from the Honourable Financial Secretary and given to the Governor. I say that is not correct. The Chairmanship will simply be by the Presiding Officer of the Legislative Assembly.

I crave your indulgence to read from *Gazette*, Supplement No. 1, published with No. 25 of 1988, which lists the assignments that you gave to the Executive Council Members. I would like to show how much authority and responsibility this country has actually placed on our Honourable Financial Secretary and with your indulgence I would like to read it:

"Assignment to Members of Executive Council of responsibility for certain business of the Government and for certain departments of Government.

It is public notice the Constitution of the Cayman Islands (section 1 1101 of 1972). Assignment to Members of Executive Council of responsibility for certain businesses of the Government and for certain departments of Government.

It is notified for public information that the Governor, in his discretion, acting under the powers conferred upon him by section 9 (1) of the Constitution, has charged the Members of Executive Council listed below with responsibility for the business of the Government and for the Departments of Government subscribed below. Their names to the extent described in letters addressed severally to individual Members of the Executive Council. This list is not exclusive and is subject to amendment as and when may be required.

**1. THE HONOURABLE THE FINANCIAL SECRETARY
PORTFOLIO OF FINANCE AND DEVELOPMENT**

Subjects

Accountants
Arbitrations
Banking and Trust Companies
Census
Control of Government Expenditure
Coordination of Executive Council Business and implementation of decisions
Copyright, Patents and Trade Marks
Cost of Living Index
Currency
Customs and Excise
Emergency Relief
Government Loans
Insurance
Legislature (Leader of Government Business)
Marine Surveying
National Development Planning
Public Debt
Public Finance
Registration of Births, Marriages and Deaths
Registration of companies and Company Management
Registration of Shipping
Statistics
Supply Control
Taxation and Fiscal Policy
Technical Assistance Applications
Treasury

Department and Sections

Audit (Answerable in the Legislative Assembly)
Banking Inspectorate
Customs
Economic Development Unit
Executive Council
Finance and Development
Insurance
Legislative
Marine Survey
Registry of Companies; Shipping; Births, Deaths and Marriages
Statistics
Treasury

Statutory Boards and committees

Agricultural and Industrial Development Board
Currency Board
Finance Committee
Public Tenders Committee
Chairman, National Hurricane Committee."

I read this to show how complex his duties and responsibilities are. To be Presiding Officer in Finance Committee is only one of many varying responsible and taxing responsibilities which this gentlemen shares in this country. I do not feel that we are doing him a discourtesy. I think we are relieving him of some of his responsibility. In Finance Committee it is simply that someone else will be the Chairman. He still has that responsibility, it is not taking away any responsibility, whatsoever. Much has been said if this Motion passes as regards to what the quorum will be in Finance Committee. As the quorum for the 12 Elected Members which now constitutes Finance Committee is seven, and the quorum for this Honourable House of 15 Members is seven, if this motion is passed it is my understanding the quorum for the new Finance Committee will also be seven.

The fear exists that the Government could convene a meeting of Finance Committee without any of us Backbenchers being present. I hasten to say it is our responsibility to attend meetings when we are notified. That possibility has always existed since the Constitution of 1959, that a meeting of this Honourable House could be convened without any Backbenchers present, as seven constitutes a quorum of this Honourable House. So the fear that is in the minds of Members that the new Finance Committee, if it is constituted in that manner, could meet with seven, can easily be cured by the fact that it is our responsibility and our duty to attend meetings when we are summoned.

I, from the time I became a Member, I have endeavoured to be

present at every meeting that I was called, unless because of some means such as lack of air service between the Islands, I was unable to attend, then I suppose that would be an acceptable reason. I do not think that the quorum is an issue which we should give any concern to because we will be notified and it is our responsibility to be present.

One of the most serious problems that is existing within our country is misinformation. Many of our people are extremely concerned that if the make-up of Finance Committee is changed revenue measures will be able to be passed because the Backbench will not have a solid seven majority. It is a known fact revenue measures are passed in this Chamber where all 15 Honourable Members have the privilege of casting their ballot. Not in Finance Committee, the purpose of Finance Committee is expenditures. There is a great responsibility in Finance Committee, I am not trying to minimize that, but the revenue measures are not a part of your responsibility when in Finance Committee.

I would also like to make it abundantly clear that the Finance Committee is a committee of this House. This House is not a committee of the Finance Committee. This Honourable Chamber, the Legislative Assembly of the Cayman Islands is the body to which the Finance Committee reports.

It is being said at the present time if this Motion is passed the pension plan will be passed. The Cayman Islands pension plan is not even on the agenda for this meeting.

I would like for a moment to turn to my district. During the 10 years that I have been in this House, I have endeavoured to represent my district to the best of my ability and I have shared the concern of all Members of this House with all legislation that has come to this House concerning all the Cayman Islands. I feel that once you are elected you become a part of all the affairs of the entire country, not simply the district in which you are elected from.

To trace the history of this Standing Order Amendment Motion. I first heard of this motion on the radio, the 30th of May. The Second Elected Member from Cayman Brac and myself had planned a public meeting in Cayman Brac for Thursday and Saturday of that week. I did not know at that time that this motion would be coming to the House. I had a call from the Honourable Second Elected Member from Cayman Brac and he said that he could not get to Cayman Brac. We decided that we would cancel that meeting and so the only meeting that I was able to have was one on Saturday night.

On the 2nd of June, that meeting was held. I spoke first, I gave my view, and I said very clearly then that I felt, as I said earlier in my speech today, that the 12 elected Members needed to get together and try to discuss it and consider the ramifications, both pro and con, of the Motion which would be coming to the House. I was followed by several speakers who did not share my view that any negotiations were necessary and a petition was circulated that night saying that I, and the Second Elected Member from Cayman Brac and Little Cayman, must vote, no. This, like a snowball rolling down a mountain, gained a lot of momentum and it has completely disrupted my district.

I believe in parliamentary democracy, in the majority rule, in freedom of speech, freedom of the press and all that goes with it, but I want to say we need to be concerned about the future of our nation. I want each and every person within the hearing of my voice to consider the facts; consider that this amendment is an amendment to Standing Orders. It is an amendment that can be amended by the 15 Members any time there is a majority. There is no reason for all of this social unrest. This has been blown completely out of proportion. I also would like to say petitions are not new to me. After I was elected in 1980, by a substantial majority, I was met prior to my being sworn in by a petition to reverse a democratic process of free election and to refuse me my seat in this Honourable House. My tenure in office was started with a petition that was not successful so to have another one now today gives me great concern. I trust that the people of my district will leave their ears open, for there is no one so deaf as he who does not want to hear, or no one so blind as he who does not want to see. I sincerely say to the people of my district I have never let you down in the past and I have open dialogue. I am willing to discuss anything with you. But I want you to listen to what I have to say, and I will listen to what you have to say.

The future of our country is important, the future of democratic rule. If the Government loses its stability, nothing will be more disastrous to us than investor confidence to decay. There are many Caymanians who have become well-off financially but not to the extent that they can finance the affairs of this nation. We need foreign investors and tourists, but we need stability. I ask all Honourable Members here to say to your people, use your democratic rights but stay within the bounds of truth. Investor confidence is something that can be eroded quickly. I have had many calls, so the other Members cannot believe that they are the only ones having calls. Unfortunately, many calls that I have been getting were some that I thought would never happen in our Cayman Islands. The climate is hostile and I say to the people of these islands, our decaying society can only lead to disaster.

I want to say to you all, the Cayman Islands over its years of parliamentary democracy has been an example cherished by much larger countries than ourselves. The ability to present a balanced budget, the ability to provide scholarships, the ability to Caymanianise its different societies is an achievement for a country the size of ours.

I congratulate all who have been a part of this, but I go back to the Motion before this honourable House and again say to the people of these Islands, if the intention of all people involved had been to solve this issue, it could have been solved easily. I have been asked by a Member that I not go to them but I hasten to say, I am one of twelve. I did go to both sides. I did ask, but one-twelfth of any objection is a small portion. Seven-twelfths is a larger portion. I think you all would agree that had the two larger parts had that desire it could have been accomplished. One-twelfth of anything is very seldom successful.

I am grateful to see at least there was an agreement that we can have the proceedings of Finance Committee public. I think it is a responsibility that we maintain open Government

and I think our people deserve to hear the deliberations of how their money is spent. I do not think anything should be secret in the expenditure of money from the people who provide the money. I again would like to touch on the revenue measures because the hostility that has been established within my district has been on two main points. If this Motion is passed, revenue measures will be passed and everybody will be suffering from the high increases in duty and revenue measures. I hasten to say, whether this Motion passes or fails, revenue measures will be introduced at this Session.

The other thing is that it will not be His Excellency sitting as Chairman of the Finance Committee. I hope that you people will clarify that issue because it is appearing in the press. It is appearing in publications and I think it is time that we get the facts to our people so that they will understand what their Elected Representatives are standing for. As we stand in this Chamber and deliberate, naturally all we say will not be totally accepted by the others. I do not profess to have all crystal ball that I can look in and find the answer, but neither do the other Members. I think we all must make the best judgement that we can. We must approach a subject without biased views.

It is unfortunate that almost every issue that comes up there is some Members for and some Members against. I say my voting record in this honourable House has stood, that I make my decision and I stand by it. My political career may be lost as there are threats going around that they will do away with me before the petition, but I never thought that the Cayman Islands would come to this. I have literally had dozens of threats on my life, since this Motion has come before this Honourable House and I am really very, very sorry to stand in this House and admit that this could happen in the Cayman Islands.

We are a highly civilized state at a very high standard of living, being blessed by having a good economy. There is no need for this type of suggested mob rule. I am extremely distressed that enemies are being created within families which will not help the country. I say again, had the 12 Members sat down, not necessarily on this particular Motion, but when the original trouble started in August of last year, these and future events could have been avoided. We are all Caymanians, all elected to try to preserve our nation for the future generations. Is it too late for us to put animosities behind us and try to strive for what is best for this country? I have not interfered with others when they are speaking. They can talk for four hours, our Standing Orders clearly protect that, so I am entitled to use some of my time.

Much concern is being given that two extremely highly qualified Honourable gentlemen would be elevated to a position on Finance Committee. One, Head of our Legal Department, the other holding very senior Portfolio responsibility in our Government. I cannot see where this could be damaging. These gentlemen have full rights to vote on every other subject in this Honourable House. I am proud that we have Official Members in our House for the simple reason it signifies that we are still very much a British Crown Colony, for which I am proud. As I come towards the end of my speech, I feel I must emphasise again that we, the people of the Cayman Islands, although we have tried hard most of us to bring the country to where it is today, it has been done because we are associated with the United Kingdom. We are a British Crown Colony.

Our association with the United States of America is because of the close relationship that exists between the United States of America and the United Kingdom. We are in a precarious position here in the Caribbean and we need friends. I feel we need stability, we need continued prosperity and we should not let social unrest, created by ourselves and not from an external force, destroy these Islands.

History has recorded that the Roman Empire, powerful as it was, protected itself from all known external affairs, but it crumbled from within. If we do not take cognizant of the fact that we are destabilizing our nation by our own self-inflicted social unrest, I think it is time that we took the blinds off and realize that that is happening ladies and gentlemen.

I have prayed about the decision that I will have to make later on when it comes to a vote and I will continue to pray. I ask Almighty God for guidance on the decision that I shall make and I pray for His guidance to all the people of these Islands that they will endeavour to understand the issue that is at hand.

It is your country and your future. Understand what is being attempted here - the pros and the cons, the good and the bad. It is the responsibility, as I said earlier in my speech, the Executive branch of Government has been charged with responsibility and we should not attempt to take that responsibility away. Neither should we shirk our responsibility to see that they perform the duties which they have been charged with.

In Galatians 5:22-23 it says:

"The fruit of the spirit is love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, self control. Against such there is no law."

So ladies and gentlemen, I say to you all, there is no law, there is no reason for all of the social unrest that has been created here. You are free people to make your decision and I pray that before the final vote is taken on this, people will endeavour to understand. I plead with the people of my district to listen to reason, to understand. Life long friends, I do not understand how you can be so easily convinced without understanding what is at stake.

In conclusion I would like to say, I look to my God for guidance and I read in Philippians, "I can do all things through Christ who strengthens me." Thank you.

MR. PRESIDENT:

The Honourable Member for Communications and Works.

HON. LINFORD A. PIERSON:

Thank you, Mr. President.

I rise in support of the amended Motion before the House which

reads as follows:

"WHEREAS the will of the House in regard to amending Standing Orders providing for the composition other matters relating to the Standing Finance Committee was expressed in the affirmative resolution on Government Motion No. 3/90;

I, the Member for Education, Environment, Recreation and Culture, do hereby move that the Report of the Standing Orders Committee upon the proposed amendment to Standing Orders be rejected...", it being consequent that the Standing Orders be amended according to the will of the House as referred to in that Motion.

That is the motion which is before us at this point. I wish to take this opportunity to extend my apologies to the Second Elected Member for Bodden Town for any distress that I may have caused on Monday when I made reference during his interjection as to him acting as a "clown". This was done in jest and if this has caused the Member any uncomfot, I certainly apologise, Sir.

MR. G. HAIG BODDEN:

If the Member will give way, Mr. President? I do not think I made an interjection, I asked a question which I had a right to do. However, if he apologises, that is fine. I accept that. I will not mention it again and I hope he will have the courage to behave himself from now on.

HON. LINFORD A. PIERSON:

Mr. President, I wish to state my understanding of the sequence of events leading to the moving of the amended Motion.

Government Motion No. 3/90 is divided into three Resolutions. The first Resolution calls for the Standing Orders to be amended as follows and it reads:

"BE IT THEREFORE RESOLVED THAT Standing Orders be amended by -

- (1) deleting Standing Order 73 in its entirety;
- (2) inserting a new Standing Order, to be numbered 62A, after Standing Order 62, and after the heading "FINANCIAL PROCEDURE", which shall read as follows;

Finance Committee. 62A (1) There shall be a Committee of the whole House, to be Committee. called the Finance Committee, for the consideration of the estimates of expenditure, financial bills and other business referred to it by the House or by the Governor or by the Financial Secretary.

(2) Subject to Standing Orders 81 and 82 the deliberations of the Finance Committee shall be in public.

(3) The provisions of these Standing Orders relating to Committees of the whole House upon bills shall apply to Finance Committee, save that in the event of any conflict the provisions of Standing Orders 63 to 68 shall prevail, and save that Standing Order 55 shall not apply except to the extent provided for in Standing Order 57(2).

(4) For the purposes of Standing Order 67, the Financial Secretary may at any time, whether or not there is a Meeting of the House in progress, and either of his own motion or upon the request of a Member of Government, ask the Presiding Officer to summon a meeting of the Finance Committee. Upon the receipt of such a request the Presiding Officer shall summon a meeting of Finance Committee at the earliest possible date, or at any other date proposed by the Financial Secretary."

During the deliberations thus far on this first Resolution, it was agreed by all Members of the House that the sub-section (2) of the new recommended section 62A, which basically states that the deliberations of the Finance Committee shall be in public. However, the section dealing with the expansion of Finance Committee to include the Honourable Attorney General and the Honourable Administrative Secretary was rejected by the Standing Orders Committee.

My understanding of the rejection of the Motion by the Standing Orders Committee was on the basis of the provision of Standing Orders and in keeping with the custom practised in the House of Commons where the Chairman of a Committee of the House is obliged to vote status quo. That is,

where there is a tie he must vote to maintain the original position and not the amendment being sought. It does not mean that the Honourable Financial Secretary has the authority to vote against a decision agreed upon in Executive Council as he is held under the principle of collective responsibility. But I think the Honourable Financial Secretary who is also our First Official Member explained this point during the Standing Orders Committee stage.

I will, however, be dealing with the question of collective responsibility later on in my debate. However, before so doing I would state that it was on the basis of the first Resolution to Government Motion No. 3/90 that the Motion was taken to the Standing Orders Committee.

The second and third resolutions to Government Motion No. 3/90 dealt specifically with the procedural side of the Motion as follows:--Mr. President, for clarity and for emphasis I would wish to read these other two resolutions. Resolution No. 2 reads as follows:

"AND BE IT FURTHER RESOLVED THAT the Standing Orders Committee shall consider the proposed amendment to Standing Orders contained in this motion forthwith, and shall proceed with that consideration continuously until it has concluded its consideration of the proposal, and shall thereupon report upon it to this Honourable House without delay;

And the third Resolution reads:

AND BE IT FURTHER RESOLVED THAT this Honourable House shall stand adjourned until the Standing Orders Committee is ready to report upon the proposal."

As stated earlier, the new section 62A (2) of the amended Standing Orders was adopted by the whole House which provides for Finance Committee to be held in public. With regards to section 62A subsections (1), (3) and (4) of the amended Standing Orders, a division of the Committee resulted in seven votes for, and seven votes against, and as stated in accordance with the traditional precedent by the President of the House and in accordance with Erskine May's authority on Parliamentary procedure, the Chairman of the Standing Orders Committee, the Honourable Financial Secretary rightly cast his vote with the noes to retain the status quo.

It was at this point, in accordance with section 72 (5) of the Standing Orders of the House that Government gave notice of our intention to reject the report of the Standing Orders Committee. I should like to point out at this time that in the long debate which ensued Tuesday, 12th of June on the procedural matters of this Honourable House, that it was established beyond any doubt that this Honourable House, which appoints a committee within the House, is much more important than any such committee and must therefore take precedence over that committee. It is analogous to the limbs of the body which are subservient to the whole body. No part can ever be greater than the whole. It is therefore at this stage that a decision will be made by the House as to whether or not the report of the Standing Select Committee on Standing Orders will be agreed upon by this Honourable House.

I have listened keenly, without interruption, to the contributions made by previous speakers and it seems that the bottom line of each debate is the preservation of our democratic process, which thus far, especially within the process of this Motion, has been reserved. There has been much misinformation transmitted to our people regarding what Government Motion No. 3/90 purports to accomplish. There are two major points being addressed in the Motion and I would like to deal with them, Sir. Number one - it seeks to make public the deliberations of Finance Committee, which, as I stated earlier has been agreed upon by all Members of this Honourable House.

Number two - it seeks to increase the number of Members to include the Honourable Attorney General and the Honourable Administrative Secretary and it also will provide the Honourable Financial Secretary with a full or direct vote. Under the present system he has only a casting vote. Before continuing, let me make it abundantly clear that I have no ambitions for the position of Financial Secretary, as I have heard that I have been accused of at certain public meetings. Neither do I have any ambitions to become the Minister of Finance for this country one of these days. Those individuals that can remember far enough will recall that I was the Deputy Financial Secretary in these Islands when the present holder was still on study leave. So at that time I would have had the seniority to have pursued this position if I so wished. However, as the records of the Civil Service will show, I resigned from Government in 1979.

Therefore, may I again state that I have no ambition for the post of Financial Secretary and this Motion has nothing to do with ambition for that position. This is the sort of misinformation that has been given to our people. One area of misinformation which requires clarification is the role of Executive Council Members including the role of Financial Secretary. Section 9 (1) of the Constitution gives the Governor the authority, as the representative of the Queen in these Islands, to charge Members of the Executive Council with responsibility for any business of Government or any department of Government.

In the same way that other Members of Executive Council have been assigned duties under collective responsibility by the Governor, the Financial Secretary has also been assigned responsibility for Finance. In assigning these responsibilities the Governor of these Islands will always take into consideration the qualification and suitability of individual Members of Executive Council. Another point in this respect is that each Member of Executive Council, so charged with responsibility is constitutionally bound to act in accordance with the principle of collective responsibility. That principle actually means that an individual Member may accordingly have advised against a measure or policy which is approved in Executive Council collectively. Nonetheless, once the decision has been taken, he is expected, in normal circumstances, and unless with the prior permission of the Governor, to support the decision in the Legislative Assembly.

I wish to reiterate that under our Constitution, the Governor, as the Queen's representative, is the senior Officer in these Islands. Therefore, it seems somewhat ridiculous that we should have any objection to the President, who is also our Governor for these Islands, sitting as Chairman of any committee of this Honourable House.

The President now Chairs other committees dealing with the committal of Bills. Yet, there is at present much hullabaloo about the Presiding Officer, or President, Chairing the Finance Committee, which deals with the appropriation and supplementary Appropriation Bills for these Islands.

The fact that the President Chairs a meeting dealing with a legal bill, does not make the Attorney General any less responsible for the Legal Department. In the same way the President, Chairing the Finance Committee, does not derogate from the duties and responsibilities of the Financial Secretary. It is therefore unfortunate that there seems to be such a limited understanding by such a vast number of individuals whom I have spoken to on this particular point. It was one wise writer who said "Prudence dictates caution but experience proves that delay sometimes brings disaster." Accordingly, it is opportune for Government to rectify the anomalies existing in Finance Committee.

Another bit of misinformation circulating is that Government's intention for bringing Government Motion No. 3/90 is in order for us to put through taxation. Nothing could be further from the truth. The Finance Committee of our country deals with expenditures. It is the whole House which deals with revenue measures of which the Official Members, including the Honourable Attorney General and the Honourable Administrative Secretary, already have an equal vote as any other Member of this House.

The Finance Committee of many Commonwealth countries, as we have heard is comprised of the whole House with the Presiding Officer Chairing. We have heard a distinction drawn in regard to our Legislature having three Official Members and 12 Elected. This is only because of the peculiar stage in the advancement and development of our constitution. It does not erase the basic principle of involving all Members of the House in the deliberations of this very important committee. This is especially important where those Official Members form the Executive Council or Cabinet of any country. It has also been said that we want to expand Finance Committee to finance grandiose schemes. Again, nothing could be further from the truth. I think that in this regard we have already proven ourselves to be responsible stewards of the heavy responsibilities with which each one of us has been assigned.

Of paramount importance also and relevant to these debates is the section of Standing Orders 73 (1) which makes it abundantly clear that estimates of expenditure, financial bills and other business are referred to Finance Committee by the whole House, not just by the 12 Elected Members of the Legislative Assembly. Also the whole House is allowed to participate in the Second Reading debate of an Appropriation Bill, not just the 12 Members, but all 15 Members, including the three Official Members. This is at the point when policies are put forward.

They also participate in the Third Reading debate when a decision is made as to whether or not a bill will be passed.

It is important to note that the provisions of these Standing Orders relating to Committees of the whole House upon Bills, shall apply to Finance Committee save that in the event of any conflict the provisions of Standing Orders 63 to 68 shall prevail. This is most important in that Standing Orders 63 to 68 deal with the financial procedures in relation to the presentation and Second Reading of Appropriation Bills.

No changes will be made in the financial procedure in this House through the introduction of this Motion. I would like to repeat that no changes will be made in the financial procedures in this House as a result of the introduction of that Motion.

It is important to note also that Government Motion 3/90, does not propose to make any changes in the quorum of the Finance Committee. Even with 15 Members of the House the quorum will remain as seven. Of major importance also is that for the purpose of Standing Order 67, the Financial Secretary may at any time, whether or not there is a meeting of the House in progress and either of his own Motion or upon the request of a Member of Government, ask the Presiding Officer to summon a meeting of the Finance Committee. Upon the receipt of such a request the Presiding Officer shall summon a meeting of Finance Committee at the earliest possible date or at any other date proposed by the Financial Secretary.

I have to ask the question, does this seem to be taking away the powers of the Financial Secretary? This section states categorically that the Presiding Officer shall summon a meeting. It does not say he may, it states that he shall summon a meeting.

I wish to return now to the question of the referral of Appropriate Bills..

MR. PRESIDENT:
are changing subjects?

I wonder if it might be convenient to take the break now if you

HON. LINFORD A. PIERSON:

Yes, Sir, thank you.

MR. PRESIDENT:

Proceedings are suspended until 2:15.

AT 12:45 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:19 P.M.

MR. PRESIDENT:

Proceedings are resumed.

continuing.

The Honourable Member for Communications and Works,

HON. LINFORD A. PIERSON:

Thank you, Mr. President.

At the break I was highlighting the importance of Standing Order 67, which states basically that upon the receipt or request the Presiding Officer shall summon a meeting of Finance Committee at the earliest possible date. I stressed the point that it did not say may summon, but shall summon, thus giving the Financial Secretary quite a lot of latitude under the Standing Order.

I would at this point, thank the First Elected Member for Bodden Town for pointing out in his debate the importance of Standing Orders 63 to 68 and for also highlighting that the Executive Council Members did indeed find this important enough to have a full page spread of these Standing Orders in yesterday's paper.

I would ask all Members of the listening public to take the opportunity to get copies of yesterday's paper and though these Standing Orders are somewhat lengthy, to read these through and try to understand them because this is very important to this Motion as the new Standing Order 62A(3) states very clearly and I read:

"The provisions of these Standing Orders relating to Committees of the whole House upon bills shall apply to Finance Committee, save that in the event of any conflict the provisions of Standing Orders 63 to 68 shall prevail, and save that Standing Order 55 shall not apply except to the extent provided for in Standing order 57(2)."

I am very grateful to the First Elected Member for George Town for pointing this out in his debate so that the people of this country will know that we are preserving and protecting the financial integrity and procedures in this House.

I would now like to return to the question of the referral of an Appropriation Bill in the committal stage, and to state that this is standard practice under our Standing Orders.

What creates an anomaly, as far as the way in which the Finance Committee is presently comprised, is that this committee is held in secret and excludes two Members of this Honourable House. These are anomalies which must be corrected, regardless of which Government is in power. They need to be corrected in the interest of good Government.

To reinforce this point I would refer to Standing Order No. 49 which deals with the committal of bills. Standing Order 49 (1) states and I quote:

"When a bill has been read a second time it shall stand committed to a Committee of the Whole House, unless the House on motion made refer it to a select committee. Such a motion shall be made immediately after the bill has been read a second time, and may be moved by any Member."

And Standing Order 49(3) states:

"Whenever an order of the day is read for the House to resolve itself into a Committee on a bill, the Presiding Officer shall leave the chair without question put, and the House shall thereupon resolve itself into such Committee."

Therefore, it can clearly be seen that it is common practice under our Standing Orders to have the Presiding Officer Chair committees dealing with the Committal of bills.

Another point to re-emphasise is that regardless of who Chairs a committee in the committal stage of a bill, any amendments or additions to the bill have no effect until they have been passed by the whole House upon the Third Reading of that bill.

Again, it will be noted that the basis of our cherished democracy is Government by the 15 Members of our Legislative Assembly, which comprises the three Official Members of this House. Not just 12, because under our Constitution the three Official Members are also Members of this Legislative Assembly.

Standing Order 63 (3) states quite clearly that on the presentation to the House, the estimates shall stand referred to the Finance Committee and on being read a second time, the Appropriation Bill shall stand committed to that committee.

It is interesting to note that Government Motion No. 3/90 will have the effect of preserving this principle of good parliamentary practice and will enhance the operation of the checks and balances which we all wish to preserve.

I would be remiss in my duties as a representative of the people if I did not today recognize the sterling job being done by the First Elected Member for Cayman Brac and Little Cayman. Though he is now under a lot of pressure, I believe that the public are all aware of his invaluable contribution to his constituents, as well as all the people of these Islands, over the years.

I personally respect his independent stand in this Assembly. He votes his conscience, sometimes in favour of our Government, and sometimes against. He votes his conscience. But I wonder if there would be so much commotion about his stand on Government Motion No. 3/90 if that stand had been in favour of the opposition Backbenchers. No, he would have been immortalised by them and not

ridiculed, as is being done to him at this present time. But because he has supported Government's Motion thus far, they are even encouraging a petition to remove him from office....

- MR. W. McKEEVA BUSH:** On a Point of Order, Mr. President.
- HON. LINFORD A. PIERSON:** ...This is the type of bullying tactics....
- MR. TRUMAN M. BODDEN:** On a Point, is he imputing....
- MR. PRESIDENT:** Excuse me, the First Elected Member for West Bay was that a Point of Order?. I could not hear. Please make your Point of Order.
- MR. W. McKEEVA BUSH:** The Member, Mr. President, is imputing improper motives.
- MR. PRESIDENT:** In what way?
- MR. W. McKEEVA BUSH:** Well, he is saying that we have encouraged a petition to remove the First Elected Member for Cayman Brac.
- MR. PRESIDENT:** I see nothing improper in that. That is your right as a Member or the right...
- MR. W. McKEEVA BUSH:** Well, I call it improper...
- MR. PRESIDENT:** ...Excuse me, or the right of any member of the community. It is certainly not improper. Have you a Point of Order?
- MR. TRUMAN M. BODDEN:** Mr. President, if it is untrue I think that is the point he...
- MR. PRESIDENT:** That is not the point made to me.
- MR. W. McKEEVA BUSH:** What else would I have been getting to?
- MR. PRESIDENT:** I am sorry. I do not understand that remark. You were not saying, as I understand it, that it is an untrue statement. I was replying to your point about propriety.
- MR. W. McKEEVA BUSH:** I thought I had made that clear. It is untrue when the Member knows it is untrue.
- MR. PRESIDENT:** The Member made the statement. He may wish to reply to that.
- HON. LINFORD A. PIERSON:** Mr. President, when I have a substantial and proper objection then I feel that I will take time, with your guidance, but not for any interruption that any Member might want to bring, under what I personally feel, could sometimes be inappropriate.
Mr. President....
- MR. PRESIDENT:** I think if I may interrupt you. There appears to be some, I was going to say dismay, but some puzzlement on this side of the House. If you wish the question to be determined as to whether it is a fact or not, I will have that enquired into.
- MR. GILBERT A. McLEAN:** Mr. President, could I ask that you please have that determined? It is imputed to me too, and I stand here absolutely no part of any such suggestion.
- MR. PRESIDENT:** Right. The position is that I will enquire into it.
- MR. W. McKEEVA BUSH:** Yes, and for clarity's sake, the Standing Order I am referring to is Standing Order 35(4), where it says; "No Member shall impute improper motives to another Member.". So the Point of Order was correct.
- MR. PRESIDENT:** Thank you.
I am sorry, you are not in a position to state that it was a correct Point of Order. That is a matter for the Chair.
- MR. W. McKEEVA BUSH:** Well, according to the Standing Orders then.....
- MR. PRESIDENT:** ...I am sorry, let us not go on with this, we must continue with the debate.
- HON. LINFORD A. PIERSON:** Mr. President, those people who speak strongest are well aware

that I heard them in the Common Room making the remarks and I have witnesses here that heard them. I do not want to get into an argument today but I do not stand up in this House and tell a lie.

MR. PRESIDENT:

I have not yet enquired into the matter. I will. Let us continue with the debate.

HON. LINFORD A. PIERSON:

Mr. President, I am saying that had the First Elected Member for Cayman Brac supported the Backbenchers the way they wanted, they would be immortalising him today not cutting him up. I feel that he has set the sort of example in his 10 years that would do a lot of us good to follow.

It has also been said about the First Elected Member (and I am not going to allow them to throw me off, because thus far, I realize that my contribution has been as solid as any that I have heard here, so I will not allow that), that he was driven from my House. But the First Elected Member knows the story behind this whole accusation and I will say no more. (Laughter) He knows who told him what.

MR. W. McKEEVA BUSH:

Yes, but he should say, "who told who what?"

HON. LINFORD A. PIERSON:

Mr. President, the type of bullying tactics that we see with the First Elected Member, being demanded to resign, for them to look across at the duly Elected Members of Council and demand a resignation, that is the type of bullying tactics that is damaging the stability of these Islands.

No one can deny that the First Elected Member for Cayman Brac is a gentleman, and a very intelligent one at that. I have personally had him vote against Motions which I have brought to this House, but never have I lost respect for him.

While on this question, I wish to make it abundantly clear that never has any Member of Executive Council (and I wish to make this clear again), sat and schemed with any Officials on this Motion. I have heard certain insinuations, certain derogatory remarks made. Mr. President, I want to make that very clear.

I sat here yesterday and I heard a certain Member tell the public in his debate that they want to see us remain in power until 1992. But, from the sequence of events since 1988, who do they really think they are fooling? Not the public. The public, we were reminded here yesterday, have very long memories. I would like to support that view, but the memories are very long on all events. Not just Government Motion 3/90, but all the events that have occurred since November 1988.

The public will also remember the attempts of the opposition Backbench to remove Executive Council from power by scare tactics. They have never made any real genuine and honest attempts to work with us. Even though we have been accused of not wanting to work with them. The opposite is true. They do not want to work with Executive Council.

For the good of these Islands I hope that this attitude will change. I trust that the lofty ambitions of some Members of this House will not prove detrimental to the continued stability and progress of these Islands.

As stated earlier I have sat and listened very attentively to arguments for and against Government Motion No. 3/90, but I am yet to hear any reasonable arguments against this Motion. All that I have heard so far is much emotionalism and misinformation given to the public. I just wonder how many of those individuals who object to this Motion, really understand what it purports to accomplish?

I could take a bet right now that if you went outside and you asked 90 per cent of the people holding those placards what this Motion means, they would not be able to tell you. That is how serious the situation is.

Already 50 per cent of the Motion has been accepted by all Members of this House, including all the Backbenchers. So it can not be all that bad. Fifty per cent has been accepted already by them. So it shows that even in their eyes the Motion has some merit. They will tell you it is such a terrible Motion, yet they gladly accepted 50 per cent of it already. So we are only dealing with the other 50 per cent at this stage. I have heard no substantial arguments against the other 50 per cent thus far.

But, Mr. President,

MR. W. McKEEVA BUSH:

On a Point of Order, Mr. President.

I wonder if the Member would say what the 50 per cent was?

MR. PRESIDENT:

I think that is a point of Clarification.

HON. LINFORD A. PIERSON:

Mr. President, the Member, like other Members of this House, will have his opportunity to speak on this Motion and I would really appreciate if I am not disturbed while I am speaking.

As I was saying, let us now look at the areas which they disagree with. Just to answer the Member, I will deal with that.

This other 50 per cent of the Motion deals with the expansion of Finance Committee to include all Members of this Honourable House. But as stated thus far, I have not heard any convincing arguments why this section of the Motion should not be accepted by them. I have heard a lot of political rhetoric, as I am sure we will still hear after I stop speaking. But no sound, logical and convincing arguments against this section of the Motion which they object to.

This situation raises a number of questions. My first question is, what is the real reason why they do not want to include the Honourable Attorney General and the Honourable

Administrative Secretary?

Their arguments for not wanting the Official Members in Finance Committee cannot hold water. We already know that one of the Official Members Chairs Finance Committee and they have already admitted that, that particular Member holds an important casting vote.

I would like to point out that as a Member of the Finance Committee one has a more powerful role. A Member of Finance Committee can debate matters of the Committee; whereas, the Chairman should not be entering into debates as Chairman. Thus he is not in a position to defend the fiscal policies as he would be if he was an ordinary Member of Finance Committee.

My second question is, is it correct that the Financial Secretary is being demoted? The answer is no. It is not correct. This is a lot of misinformation that is being spewed out to the public for whatever reasons, Sir.

Again, I would ask the question, I wonder how many of the placard-carrying public against this Motion understand this point that this Motion does not purport to demote the Financial Secretary.

I am disappointed but not surprised that the Chamber of Commerce, the Caymanian Bar Association and other interested groups have denounced Government Motion 3/90. It does not surprise me, Sir. One only has to check on the membership of their executive bodies. I believe that the answer is there. Need I say anymore on this point?

I am satisfied that those sound thinking Caymanians who want to understand what the Motion is trying to achieve will take time to study the Motion and understand it. They will not just listen to a lot of political rhetoric. I have heard tapings of some of those meetings and very little, if anything, was said about the Motion. This is what is misleading to the public. If we, as representatives, have the interest of our people at heart, it is incumbent upon us to give the people the true facts.

I heard one Member say yesterday that the problem of making a wrong quotation is not his problem. It is our problem to give the people the facts, the true facts, whether that is in our favour or whether that is against us. I would be the last to suggest that the Motion is popular with everybody.

I am asking the public and indeed, Honourable Members of this House, that for the sake of these Islands, they take time to study it and really understand what it is all about.

Any observant individual will have noticed that this Motion has been taken out of all reasonable proportion and riddled with sensationalism. Even the Caymanian Compass has been a party to this sensationalism.

In order for us to get the text of our Motion put across to the public or even a part of it, we had to put a paid advertisement in the paper to have this done. I do not doubt that it confused certain individuals but it does not confuse anybody on the Executive Council bench.

Thus far the Compass has only dealt with the political side of this Motion. And I wonder why? I think the answer is quite clear. I trust however, that the sound-thinking Caymanians and residents can read between the lines of the Compass' reporting because they need to do so.

I realize as a politician that the Compass will not be kindly disposed to my very candid remarks and that I will run the risk of them not giving me proper coverage in their paper. But this will not be new where I am concerned. That is happening at the present.

What we really need in this country, is another paper that will be nonpartisan and will report objectively the news as it occurs and not slanted in favour of any political groups.

As will be observed thus far, I have dealt very firmly with the issues surrounding this Motion. This is why I was put here. I have resisted any temptations to bring into my debates any personal attacks, as it should be in good parliamentary debates for us not to do that. I would however, stress that the objections from the Opposition Members of this House appear to be more political than substantially addressing the contents of the Motion.

Another observation related to Government Motion No. 3/90, is, as I stated earlier, the misinformation given to the public and I would like to stress this again, it is very important. The misinformation given to the public that the Financial Secretary is being demoted. My question is, being demoted to what?

His position will now be a full Member of the Finance Committee with the Presiding Officer as Chairman. I really do not see this as a demotion. It will give him a full vote where he now only has a casting vote.

This cannot in any or under any reasonable opinion be a demotion. Yet, this is the basis for the objection, the main basis for the objection to this Motion. I am not surprised because it is difficult for them to find any reasonable objection. It is a good Motion.

What we have heard so far is political rhetoric. The speakers that are lined up to speak after me, I think we will hear more. It is designed to stir up the people and to seek sympathy from the public. This is exactly what it is doing. It has the effect of stirring up the people in this country.

They have accused Government of using Official Members but this would seem a blatant example of using a Member of the Official Bench for their own political ends.

I would like to inform the House and listening public that there is not one of us on this side of the House that does not wish the Honourable Financial Secretary to remain in his position as Financial Secretary.

We, too have the greatest respect for the gentleman. I would wish to re-emphasise that that is not what this Motion is about but this is what has been read into it by the Opposition Backbench and this is the only argument they have for rejecting the Motion.

I have not heard them say that in his position as Deputy

Governor that he will at some stage also sit as Presiding Officer of this House. No, it did not suit them to make that point.

While we, in the House, will try to make political mileage during debates, I cannot over-emphasise the importance for us to give the people the true facts. I can not over-emphasise that the Backbenchers have a responsibility to fully explain to the people what this Motion is about. They have not given the public an objective evaluation of this Motion. Otherwise, some of their supporters would not be so confused as to what the Motion purports to accomplish. One individual accosted me outside this building and said she was told that the Motion would have the affect of taking her land in Rock Hole. (laughter) This is the kind of misinformation that they have given to the public. (laughter)

Instead of misleading the public the Opposition Backbenchers should give more attention to addressing the pros and cons of this Motion. Explain it to the public and let them make up their own minds.

As I said earlier all Members of this House have the democratic right to speak on this Motion and I would appreciate if they could show a little more courtesy and not interrupt me while I am speaking.

MR. W. McKEEVA BUSH:

The Member has said one thing about five times over and over.

Mr. President, I want to call attention to the matter of repetition.

MR. PRESIDENT:

I am grateful for the observation, but as I have already said, the custom of the House is to give considerable latitude in debate and if I sought to impose that Standing Order, the House would sit for about a third of the time that it does sit and it would be extremely difficult to impose it equitably on all Members. So, I fear that I err in the direction of too much latitude, rather than too little.

HON. LINFORD A. PIERSON:

Thank you, Mr. President.

I am a very kindly disposed man and I realize that it takes some individuals a little longer to understand than others and this is why I am re-emphasising what I am saying. I know it is not as easy for some Members to understand as others.

Despite the uproar and violence which has been encouraged by some since Government Motion 3/90 was announced, we feel that there are people out there who will not be swayed by threats or insults. We are big people, that sort of thing does not frighten us. If they think that their threats and insults are going to frighten each one of the four here, then try again.

We feel that a large majority of the opponents to the Motion are confused. I have to put the blame squarely on the shoulders of the Opposition Backbenchers for this confusion as they have made no attempt to properly present the Motion to the people, as I am doing now. All that the Opposition Backbenchers have done is stir up the people.

As I stated earlier, it is the duty of the press and the radio and other news media to report as objectively as possible on this and other issues.

I have been very disappointed with the attitudes and insults that especially the four Elected Members of Executive Council have had to take because of this Motion. After all, whether or not the Opposition Members and their supporters agree with us, there is no need for these types of insults.

I understand that certain members sitting in the gallery were even refusing to stand when the Governor entered the Chambers. In this regard, I need not remind our people that the Governor, who is also the President of our Legislative Assembly, should be given the respect due to his high office whether or not some individuals like the individual filling the position.

A number of the Members of Executive Council have received death threats and many such threats have also been levelled at the First Elected Member for Cayman Brac and Little Cayman. On Monday, 11th of June, the tires on my pick-up truck for my Honda business were slashed to threads and the truck itself was scored up beyond recognition and had to be put in the garage. But I have yet to see any mention of this on the front page of the Caymanian Compass, like was done in other cases.

Yet, the Opposition Backbenchers would have the public believe that the Members of Executive Council must take the blame for this violence. No, they must accept the blame firmly and squarely on their shoulders for omitting to fully explain Government 3/90.

MR. W. McKEEVA BUSH:

On a Point of Order, Mr. President.

MR. PRESIDENT:

Is there a Point of Order being asked?

MR. W. McKEEVA BUSH:

people to score up or cut up his....?

Yes, 35(4). Is the Member saying that Backbench people put up

MR. PRESIDENT:

No, he clearly has not said that at all.

MR. W. McKEEVA BUSH:

He was coming close to it.

HON. LINFORD A. PIERSON:

I cannot help if he lacks understanding.

Mr. President, when we decided to bring this Motion, we fully realized and appreciated that it would create some opposition to it. We also realised that this Motion was

necessary in the interest of good Government and that it would not be popular with the Backbenchers and their supporters.

So we are not at all surprised at the level of sensationalism given to this matter by the Opposition Backbenchers and their ill-informed supporters. Opposition for opposition's sake! As Members of Executive Council, and indeed this Honourable Legislature, we have been charged with the responsibility to provide good Government. In so doing we realize that not all of our policies will be popular with the Opposition.

The parliamentary history of these Islands will show that there has not been one Government, including the Unity Team Government, that has not been criticised on their policies. Otherwise the Unity Team Government would still be in power and would not have been replaced in 1984 after serving eight years.

No one can dispute that our Government is one which plans for the future and I can substantiate that. That is not political rhetoric. No management by crisis in this Government, as we have seen in the past.

To substantiate that statement that we plan for the future, I just wish Members of this House and the listening public would consider some of the plans that we have formulated so far. Consider the Economic Development Plan, the national development plan which will include both physical and economic development for the country.

The Environmental Plan is to be undertaken by C. H. U. M. Hill., and will include a proper building code, the hospital plan, plans for public water in Cayman Brac, plans for a fuel terminal in Cayman Brac, and I could go on and on and on.

The point here is, whether they like it or not, we are a Government that plans for the future. We do not manage by crisis as we have seen done in the past.

I wish to also point out that when the four Elected Members of Council were appointed to Executive Council it was at that time the will of the people, not just the mere decisions of those three Members who helped put us into Executive Council. It was the will of the people, because the results of the 1988 Election showed that the seven Members at that time supported the same common manifesto and they were supported by the same people that thought alike. Since then, however, we have had changes in that affiliation. I am not going to criticise that, Sir. That is a process of good democracy. Members are free to move whichever way they wish. I am not criticising anybody personally.

They remind us of our political future. I wonder why is it that the Opposition Bench is so concerned about the political future of people they consider to be in Opposition? Why is it? Why should it concern them about our political future? That should be our concern.

From what I am hearing, I do not think that the sound-thinking people of these Islands will sit by and allow any group of politicians whoever they may be, to destroy the peace and tranquility and the stability of these Islands.

We have heard warnings issued by the Opposition Backbenchers about their intentions for the 1992 Elections. If they win the 1992 Elections, I think it is only proper that they be congratulated for that. But, sufficient unto the time is the evil thereof. The people will make up their minds and if they make up their minds in that direction, that is their right.

I believe that the people have had the opportunity to assess our stewardship. They realise that all the checks and balances are in place and when I talk of checks and balances I am not repeating what somebody has said. I know what it means.

This country has never been better off. We heard the Honourable Financial Secretary give the financial position of this country just a few days ago. The surplus revenue and the reserves of this country at the 31st of May, 1990, the surplus revenue of this country was C\$15,791,000 million.

The general reserves stood at C\$18,860,000 million with a grand total of \$34,651,000 million. In contrast, when our Government took over the reins in 1984, after the eight year reign of the Unity Team Government, the financial position of this country was chaotic. The country was flat broke.

Of course we have our public debt to account for. The accounts of this country will show that much of the public debt is self-financing. Nobody in a reasonable mind can reasonably expect to maintain our high standard of living without having to incur certain public debts.

We provide some of the best infrastructure for our people that can be found anywhere in the world. Unlike certain countries we always try to maintain the very highest standards for our people. This is the reason why we have been accused of grandiose schemes. They are not grandiose schemes. This is because we feel that nothing is too good for our people. We plan for good roads because they deserve it. We plan for an adequate supply of water because they deserve it. Appropriate health services, good schools, good communications system, nothing is too good for our people. We do not intend to stand idly by and not give our people the very best representation. We intend to give them the very best.

As stated, the Motion before us is a motion to reject the report of the Standing Orders Committee and I would like to re-emphasise that no Member of this House can say that we have not, in so doing, followed the proper parliamentary practice and procedure.

When we say in the first resolve section after the recitals to this motion that we wish to delete Standing Order 73 in its entirety, what are we talking about?

I have not heard any attempt made by the Opposition to even tell the people the contents of this Standing Order. Standing Order 73 (1) states and I quote:

- "(1) There shall be a standing select committee to be styled the Finance Committee, for the consideration of the estimates of expenditure, financial bills and other business

referred to it by the House or by the Governor.

- (2) The Finance Committee shall consist of the Financial Secretary as Chairman and all the elected Members.
- (3) The quorum of the Finance Committee shall be seven members including the Chairman."

The changes that we propose by deleting Standing Order 73, is to insert a new Standing Order which will be numbered Standing Order 62(A) after Standing Order 62 and after the heading in these Standing Orders of Financial Procedure.

As I have said, the only major difference in this new Standing Order is to ensure that the deliberations of the Finance Committee is held in public.

The second major change is that the Official Members, namely the Attorney General and the Administrative Secretary, as Members of this Honourable House will also participate in the financial detail stage of an Appropriation Bill.

Already they participate in the stages of the bill, they are expected to make their contribution in the Second Reading debate of the bill, and after the bill has been reported on, they are expected to participate in passing that report.

Mr. President, thank you, I will take the break now.

MR. PRESIDENT:

Proceedings are suspended for 15 minutes.

AT 3:20 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 4:10 P.M.

MR. PRESIDENT:

Proceedings are resumed.

Agriculture, continuing.

The Honourable Member for Communications Works and

HON. LINFORD A. PIERSON:

Thank you, Mr. President.

At the break I was dealing with the details and cross references of Government Motion No. 3/90. As I had promised to the public in our public meetings in George Town and in Cayman Brac, I have already dealt with Standing Order 73 and have told the public what this entails.

Mr. President, subsection (2) of the proposed new section 62(A) reads that:

"(2) Subject to Standing Orders 81 and 82 the deliberations of the Finance Committee shall be in public."

To fully deal with this motion I feel that it is necessary that the public should know what those two Standing Orders entail. Standing Order 81 deals with admission of the press and it reads:

"(1) The Presiding Officer may grant a general permission to the representatives of any journal or newspaper to attend the meetings of the House, and such permission may be granted under such rules as he may make from time to time for that purpose. If such rules are contravened, such permission may be revoked.

(2) Any representatives of any journal or newspaper when attending meetings of the House shall sit in the area allotted for the press and shall under no conditions engage any Member in conversation during such sittings."

This is the section dealing with admission of the press.

Section 82 of the Standing Orders deals with admission of the public. This reads:

"(1) Strangers may be admitted to debates in the House under such rules as the Presiding Officer may from time to time make for that purpose.

(2) If at any sitting of the House any Member moves that strangers withdraw, the Presiding Officer shall forthwith put the question "That strangers do withdraw" without permitting any debate or amendment.

(3) In the event of disorder in the galleries, the Presiding Officer may order the withdrawal of strangers from the Chambers and its precincts.

(4) Strangers shall withdraw from the Chamber and its precincts when called upon so to do by the Presiding Officer."

When we say subject to Standing Order 81 and 82 the deliberations of the Finance Committee shall be held in public, it is addressing the question of admission of the press and of the public.

In subsection (3) of the new proposed 62(A) this reads:

"(3) The provisions of these Standing Orders relating to Committees of the whole House upon bills shall apply to Finance Committee, save that in the event of any conflict the provisions of Standing Orders 63 to 68 shall prevail, and save that Standing Order 55 shall not apply except to the extent provided for in Standing Order."

Here again it is important that the listening public are aware of the basic contents of these very important Standing Orders.

As I stated, Standing Orders 63 to 68, deal basically with the financial procedure of the Legislature and deal with the Presentation and Second Reading of Appropriation Bills. Section 63(1), deals with Presentation and Second Reading of the bill, Section 64, deals with the procedure in Finance Committee on Appropriation Bill. Section 65, with the amendments in Finance Committee on Appropriation Bills and Section 66, deals with the Third Reading of Appropriation Bills. Section 67, deals with supplementary estimates and Section 68, with provisional collection of Custom Duties Law, 1985.

Reference is also made to Standing Order 55, as it relates to this section or this sub-section of the new section 62(A). Standing Order 55, deals with the recommittal of bills and this subsection states quite clearly that this Standing Order is being observed and preserved.

I would like, for the benefit of the listening public, to give them an idea of this very important Standing Order.

"(1) If a Member desires to delete or amend any provision contained in a bill as reported from a Committee of the Whole House or to introduce any new provision therein, he may at any time before the question has been proposed upon a motion for the third reading of a bill, move that the bill be recommitted, either wholly or in respect only of some particular part or parts of the bill or some proposed new clause or new schedule; and if the motion is agreed upon, the bill shall stand so recommitted and the House shall resolve itself into a Committee to consider it.

(2) When the whole bill has been so recommitted the Committee shall go through it as provided in paragraphs (1) to (10) of Standing Order 51 (Procedure in committees on bills)

(3) When a bill has been recommitted in respect only of some particular part or parts thereof, or some proposed new clause or new schedule, the committee shall consider only the matter so recommitted and any amendment which may be moved thereto.

(4) At the conclusion of the proceedings in Committee on any bill under the provisions hereof the Member in charge of the bill may move "That the bill (as amended on recommittal) be reported to the House", and the question thereon shall be put without amendment or debate. If that motion is agreed upon, the House shall resume and the Member in charge of the bill shall report accordingly and the House may then proceed to the third reading, no further motion for recommittal being permitted."

So when this subsection of the new recommended section 62(A) of the Standing Order on Finance Committee reads that "save that in the event of any conflict the provision of Standing Orders 63 to 68 shall prevail and save that Standing Order 55 shall not apply", it is really considering the recommittal on bills.

This is what Standing Order 55 is all about and it goes on to say:

"except to the extent provided for in Standing Order 57(2)."

Basically all that Standing Order 57(2) states is that:

"(2) The provision of Standing Order 55 on the recommittal of bills shall apply to such consideration."

Mr. President, this resolution went on to say that:

"(4) For the purpose of Standing Order 67, the Financial Secretary may at any time, whether or not there is a Meeting of the House in progress, and either of his own motion or upon the request of a Member of Government, ask the Presiding Officer to summon a meeting of the Finance Committee."

It is important also that since these sections are being referred to that the listening public should know what they say. Standing Order 67(1) states:

"(1) If a Member of the Government presents a paper setting out the financial requirements of an proposals,

(a) for expenditure incurred or likely to be incurred in the course of the current financial year either in respect of a service or of several services for which no provision has been made in the estimates for that year or in respect of further financial provision beyond the total sum already sanctioned for a particular head or sub-head or for particular heads or sub-heads,

(b) for expenditure incurred in the course of a previous financial year in excess of the total sum sanctioned for a particular head or sub-head or for particular heads or sub-heads by the estimates or supplementary estimates for that year,

then that paper shall stand referred to the Finance Committee.

(2) At any time after a paper has been so referred to the Finance Committee a Member of Government may give notice of a motion "That the Finance Committee approves the proposal (or proposals) set out in the paper", and such a motion shall be considered in the Finance Committee.

(3) To the motion described in paragraph (2) amendments may be moved to add words either leaving out or reducing an item or a sub-head of any particular proposal or, if there be more than one proposal, leaving out any particular proposal, but no amendment shall be moved unless notice thereof has been given not less than three clear days before the day on which the motion is to be considered in Committee.

(4) When the motion "That the Finance Committee approves the proposal (or proposals) set out in the paper", or that motion as amended, has been agreed upon in the Finance Committee, and the report of the Finance Committee is laid on the Table the Member for the Government who moved the motion shall report the motion or the motion as amended in the Finance Committee; and the House shall thereupon be deemed to have agreed to the motion or to the motion as amended, as the case may be."

This is in fact the Standing Order that deals with supplementary estimates. This very important subsection of the new section 62(A) which is intended to replace section or Standing Order 73 goes on to say:

"Upon the receipt of such a request the Presiding Officer shall summon a meeting of Finance Committee at the earliest possible date, or at any other date proposed by the Financial Secretary."

So it can be clearly seen that there are no hidden points in this resolution that would cause any harm to this country. It is as I have pointed out early. It is in the very best interest of the people of this country.

Many of the people have not even heard the recitals to this Motion and in order to fully understand what the resolution seeks to accomplish, it is first necessary that I also point out the recitals to the motion. It reads:

"WHEREAS the Standing Finance Committee of this Honourable House presently sits in private so that the public are excluded from its proceedings;

AND WHEREAS the said Committee does not include two of the Official Members of the Legislative Assembly, although those Members have their own portfolios and responsibility for their own Heads of expenditure;

AND WHEREAS on two occasions including the present the Member of Executive Council the Member of Executive Council responsible for Cayman Brac and Little Cayman is not a Member of the Standing Finance Committee and it is now found desirable to correct these anomalies;"

This was the basis on which the resolutions to this motion were formulated, to protect or to close that gap, and, to remove those anomalies.

Firstly, to ensure that the Finance Committee is not conducted behind closed doors. This is what we are totally opposed to. We are dealing with the finances of this country and there is no reason at all why the deliberations of such an important Committee should be held behind closed doors.

As I mentioned I am happy that 50 per cent of this Motion has

already received the unanimous approval of all Members.

The second anomaly which we seek to remove is that we do not feel that it is right under our current Constitution for any Member of the Legislature to be excluded from the Finance Committee.

In regard to the composition of this House I, too, have said in the past that the post of the Official Members will eventually have to be filled by Elected Members. I have said that, Sir. This is a normal trend as we develop from year to year.

Be that as it may, we are dealing now with the reality of the situation as it is today. Not as it will be in five or 10 years time, but as it is today.

We the Elected Members of Executive Council have taken the time to not only have a public meeting in George Town to explain this motion to the public, but we have also travelled to Cayman Brac so that the people over there would have had the opportunity to hear us present this motion and to also have the opportunity to question us on the motion.

We were somewhat disappointed that we did not get more substantial questions at our meeting in Cayman Brac. All that we got was a lot of heckling and I do not know who was behind that. I do not know who one of the chief hecklers was. It is a shame that Members of the Government cannot conduct a meeting without having other Members of the House try to disturb those meetings.

They have had meetings and not one of the four of us have been there to disturb their meetings. We do not do that, Sir. We feel that in a democracy each individual Member of the House should have the opportunity to put forward his views. Each Member is entitled to put forward his views whether or not we agree with those views.

I would like to see the situation where we get to such a political maturity in these Islands where we realise that we have the right to disagree with another person without necessarily harassing that individual.

Mr. President,...all right, thank you, Sir.

MR. PRESIDENT:

Do you want to wind up or stop here.

HON. LINFORD A. PIERSON:

No, I have more that I would like to say.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:

Mr. President, as Monday is a public holiday, I move the adjournment of this Honourable House until 10 o'clock Tuesday morning the 19th of June.

QUESTION PUT: AGREED.

**AT 4:32 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,
TUESDAY, 19TH JUNE, 1990.**

TUESDAY
19TH JUNE, 1990
10:13 A.M.

MR. PRESIDENT:

Prayers by the Honourable Third Official Member.

PRAYERS

HON. J. LEMUEL HURLSTON:

Let us Pray.

Almighty God, from whom all wisdom and power are derived: We beseech Thee so to direct and prosper the deliberations of the Legislative Assembly now assembled, that all things may be ordered upon the best and surest foundations for the glory of Thy Name and for the safety, honour and welfare of the people of these Islands.

Bless our Sovereign Lady Queen Elizabeth, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, Diana Princess of Wales and all the Royal family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Members of Executive Council and Members of the Legislative Assembly that they may be enabled faithfully to perform the responsible duties of their high office.

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

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

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

MR. PRESIDENT:

Proceedings of the Assembly are resumed.
 Papers, the Honourable Member for Communications & Works.

PRESENTATION OF PAPERS AND OF REPORTS

FINANCIAL STATEMENTS OF THE PORT AUTHORITY OF THE CAYMAN ISLANDS FOR THE YEARS ENDED 31ST DECEMBER, 1988 AND 1989

HON. LINFORD A. PIERSON:

Mr. President, in accordance with Standing Order 18, I beg to lay on the Table of this Honourable House the Financial Statements of the Port Authority of the Cayman Islands for the year ended 31st December, 1988 and 1989.

MR. PRESIDENT:

So Ordered.

HON. LINFORD A. PIERSON:

On Tabling these accounts I would like to comment on certain factors of the Port Authority which are pertinent to the continued development of that body.

Firstly, I will deal with the Audited Accounts. The Audited Accounts of the Port Authority show a profit for the year ended 31st December, 1989, of CI\$902,776. This highlights the continued effort by management under the guidance of the Board to streamline the Port's operation and to bring greater efficiency to its operation.

While it is true that in the last four years the Authority has made a fairly reasonable return from its operation through these efforts, these returns have not kept pace with inflation and replacement costs. As inflation and high replacement cost of its plans continue to rise; necessary and vital capital projects come on stream, the Authority will find itself in a cash deficit position as is reflected in the 1990 Budget.

On perusal of the Accounts one will note that the computerisation of the accounts receivable part of the Accounts during 1989, clearly shows the benefit of that exercise. Although the operating revenues increased in 1989 by over CI\$400,000 the outstanding receivables at the end of the year were down by over CI\$72,000. Efforts will continue in 1990 to have the entire operation computerised.

The new office building was completed and occupied during the latter part of the year, thus giving employees who had faithfully worked under less than perfect conditions for many years a comfortable, clean and modern new office accommodation.

Also, in the latter part of 1989, a canteen facility for the daily paid workers of the Authority was commenced and is now nearing completion. When completed this facility will provide modern and comfortable surroundings for the employees for the first time since the inception of the Port.

In January, the Port Authority introduced a contributory pension

plan for the early paid employees. Past benefits were paid into the pension plan which is underwritten by a local company in order to bring the accounts of the individuals up to date at the end of 1988. For those employees who were of an age that made their joining of this plan unproductive, the Authority has undertaken to provide a pension based on the Government's present plan. For this purpose a pension plan has been started and will be funded from the Authorities Current Account until it reaches a sum that will make the fund self-financing.

Work on the development of the cargo distribution centre at the Airport Industrial Park commenced during 1989. Delays due to the large amount of rainfall experienced during the last quarter of 1989 delayed the landfill of the area, thus putting the entire project behind schedule. Completion is now set for the last quarter of this year.

During 1989, the Authority marked the Eden Rock area as a guide to shipping to warn them that this part of the Port is being used as a dive site.

The marking and lighting of channels continues however, without a proper work boat to carry out this operation much still remains to be done for all the Islands.

Touching briefly on future plans, the Authority will continue to improve the working conditions for its employees through the introduction of more benefits and improvements of the working conditions. The active and far-sighted Members of the Port Authority's Board continue to plan for the future in order that the Port can continue to meet the needs of the fast-growing Cayman economy.

It is the Authority's aim to consider the expansion of its berthing and cargo handling facilities in the very near future. This expansion would put the Authority in a position to invite other and larger carriers to its facility and thus eliminate the expensive trans-shipment costs presently being experienced in the Ports of Miami and Kingston.

Thank you, Mr. President.

MR. PRESIDENT:
Communication and Works.

Presentation of Papers continued, the Honourable Member for

FIVE YEAR AGRICULTURAL DEVELOPMENT PLAN (1990-1995) - VOLUMES I, II AND III

HON. LINFORD A. PIERSON: Mr. President, in accordance with Standing Order 18, I beg to lay on the Table of this Honourable House a copy of the Five Year Agricultural Development Plan.

MR. PRESIDENT: So Ordered.

HON. LINFORD A. PIERSON: Mr. President, this plan has received the "in principle" approval of Executive Council with the understanding that each aspect of the funding of the plan will require the specific approval from Council prior to any submission being made for budgetary provisions.

I would like to take a few minutes to present this as this is the first such comprehensive plan for the Cayman Islands.

In order for our Government to deal effectively with agricultural development in the Cayman Islands it is imperative that a comprehensive plan be formulated and implemented.

It was with this philosophy in mind that the Five Year Agricultural Development Plan was conceived. It was the consensus of the farming community, including the Agricultural Society and Farmers Co-op, that in order for the Government to deal effectively with agricultural development in these Islands that a proper plan be prepared.

It was therefore against this background and with this philosophy in mind that I met with the Minister of Agriculture for Jamaica the Honourable Horace Clarke, in mid 1989, to hold talks and formulate arrangements for technical assistance through that Ministry.

As a result of these discussions the Government of the Cayman Islands entered into an agreement with certain agricultural specialists from the Ministry of Agriculture in Jamaica in November 1989.

The team of consultants was headed up by Mr. Clarence Franklin, an Agronomist, who is also the Permanent Secretary of the Ministry of Agriculture in Jamaica, with the following members comprising the consultancy team; Dr. Rennie Baker formerly of FAO, Soil Scientist; Mr. Vincent Campbell, a Rural Physical Planner; Mr. John Campbell, Farm Management Data Bank Specialist; Miss Maria Stroun, formerly of FAO, Director of Agricultural Planning and Dr. Cecil Taft, Economic Planner Argo 21 Consultant.

The Plan covers the five year period from 1990 to 1995 with provisions for annual review and should operate as a rolling five year plan, so that changes which may occur in the economic technological and planning environments can be taken into account.

This Five Year Agricultural Plan outlines the problems, issues and tasks facing the agricultural sector and indicate priority consideration under-pinning the agricultural sector development as well as the development strategies to be pursued during the plan period.

It also contains details of the sectorial development programmes and includes analysis of the institutional arrangements that would need to be put in place to facilitate the achievement of these objectives.

Indicated in the plan are the minimum investment efforts required and it explores desirable new agricultural initiatives.

The plan was unveiled in a joint presentation to Government

when all Members of the Legislature were invited. Also invited were representatives of the farming community and other representatives from the private sector. This presentation took place on the 11th of April 1990, at the Conference Centre in the Grand Pavilion Hotel.

Prior to this official presentation the draft plan had been reviewed by the President of the Agricultural Society together with other members of the subcommittee appointed to review the plan under the Chairmanship of the Principal Secretary for Communication, Works and Agriculture.

Government accept their recommendation to acquire suitable agricultural land for the purpose of leasing these properties back to farmers, rather than providing loans to farmers to assist them in purchasing land.

One of the main reasons for this recommendation was to ensure the preservation of these properties for agricultural development purposes only and to avoid them being used for other forms of development as could happen if they were privately owned.

In addition to the subcommittee appointed to review the draft plan, it was also given limited circulation to key individuals, directly or indirectly concerned with the development of agriculture in these Islands including the Chamber of Commerce.

The development process of the Five Year Plan commenced with the official signing of a Statement of Understanding back in August, 1989 between the Ministry of Agriculture in Jamaica and the Portfolio for Communication, Works and Agriculture when it was agreed that the plan would be prepared at a cost of \$60,000.

Needless to say, much time and effort has been put into this plan, not only by the consultants but indeed by my Portfolio staff assigned to this project. I would therefore take this opportunity to thank my hard-working Principal Secretary and all members of my Portfolio who have worked so hard in the preparation of this plan.

I will not attempt at this time to cover all the details in this Plan as this could take a very long time. However, having now laid the Plan on the Table of this Honourable House it is now a public document and the public is therefore advised and invited to study it and join us in making agriculture in these Islands a viable proposition.

The Plan proposes a phased programme of development to provide mainly technical assistance to farmers on a sliding scale commencing with \$1.65 million in the first year and ending with \$.68 million in the final year, which totals \$5 million over the five year period.

However, in turn the Plan estimates at least \$5 million will be recovered in returns to the macro economy in gross farm gate production value and in addition it is estimated that \$5.6 million will accrue to the economy in foreign exchange savings.

This represents an estimated total of \$10.6 million in returns to the economy as against the \$5 million which will be required out of general revenues and I stress general revenues, not general reserves, over the five year period 1990 to 1995.

I well appreciate that there is a certain school of thought in these Islands that agricultural development is not a viable concern. I share the view with the majority of people in these Islands that notwithstanding the major constraints to development of the agricultural sector, that much can be accomplished if we have the commitment and the will.

It was therefore gratifying to hear the Honourable Financial Secretary in his November 1989 Budget Address make a positive commitment to the development of agriculture in these Islands and accordingly, I therefore look forward to Government's financial support of this Plan in the years ahead commencing with the \$1.65 million required, to be allocated in the Budget for the year 1991, in order to get this Plan off the ground.

Without Government's financial and technical support to agriculture in these Islands, we can expect no tangible results in this sector of the economy.

Among the specific objectives of the Plan are the production of high quality local food; the increase of farm income to make it more consistent with the earnings of other sectors of the economy; the encouragement of the development of hydroponic and other technologically advanced operations; as well as new and improved live-stock systems; and the undertaking of the necessary research into aquaculture (that is fish farming), and ornamental horticultural development, since these are high return enterprises and might be appropriate and compatible with the efficient use of the natural resource base, especially in view of the short supply of arable land and labour in the Cayman Islands.

I share the view that the most essential philosophy of this Plan, highlighted amongst the specific objectives, may be divided into two categories:-

Firstly, the need to diversify the base of the Cayman Islands economy. Secondly, to reduce the level of openness and dependence of these Islands on external factors, that is for these Islands to become more self-sufficient in basic foods.

There are other important critical reasons for the development of the Five Year Agricultural Plan. Namely, to develop a more indigenous productive resource base; to reduce the outflow of foreign exchange to import food; to develop a greater degree of food security. For example, what would happen to these Islands if due to some form of disaster, we were unable to have food brought in over an extended period to time?

Also of importance is the provision in the Plan to secure for existing farmers a more attractive return from agricultural activities. Another reason for this Plan is to maximise the use of the idle lands which have been classified for agricultural use and generally to enhance the environment by more balanced development.

Lest anyone is of the impression that the task ahead is an easy

one, I would point out that there are many constraints to the development of a viable agricultural sector in these Islands. However, this Plan is developed, having taken into consideration these various constraints. The constraints to farming generally in the Cayman Islands are:

- 1) Limited availability of arable land.
- 2) Difficult terrain.
- 3) Long periods of drought.
- 4) Shortage of labour, which is a major problem.
- 5) Limited technical expertise available locally.
- 6) Difficulty with obtaining suitable agriculture credit facilities.
- 7) The lack of agricultural insurance protection.
- 8) Limitations with respect to the desired cooperation of farmers with regards to the Farmers Co-operative.

As stated, the Plan has recognised and taken into account these problems which have in the past impeded the ability of the agricultural sector to move forward in a way that is beneficial to the farmers in particular, and generally to these Islands. The recommendation under the Plan include a more defined system of zoning, the design to protect land which is highly suitable for agriculture. It also establishes a facility to assist the farmers to lease agricultural land from Government, rather than Government providing loans to farmers to purchase land for farming. This was one of the changes made as a result of the recommendation which formed an integral part of the Plan.

An amount of \$300,000 a year over the five years is proposed to be injected into an agricultural development fund. However, it is hoped that these funds will be utilised by Government to secure an additional 186 acres to be leased to farmers.

It is estimated that of the 4495 acres of land in farm units, about 85 per cent are in pasture and the rest, the 15 per cent or 674 acres are either in active crop production or various degrees of idleness.

Based therefore on available data the indicative acreage expansion for crops over the next five years could therefore be of a minimum 186 acres or just over 26 per cent increase on current acreage.

It will, however, be necessary to improve the marketing of crops in the extension programme before farmers will be motivated to substantially increase their crops.

In closing, I wish to acknowledge the able assistance received from my Principal Secretary, Mr. Kerney Gomez and the Portfolio staff, also from Dr. Benjamin and members of the Agriculture Sub-committee, and others directly or indirectly who may have assisted in the preparation of the Plan and of course, the Minister of Agriculture for Jamaica, the Honourable Horace Clarke and the various consultants for their untiring efforts in formulating the Plan. While I will acknowledge that the Five Year Agriculture Plan is the first such comprehensive agriculture plan to be prepared for these Islands, it should be appreciated that it is not to be regarded as a panacea for all our agricultural ills. In preparing this Plan, cognisance was therefore taken of the policy framework (which must develop within the sector or distortions will) be created in the overall economy.

Finally, I would reiterate that the major objective of this Plan is to promote the type of agricultural development which will enable the sector to make a greater contribution to economic diversification, food security and to allow our people to purchase local produce, that is to buy Caymanian, thus retaining funds in our local economy which would otherwise be sent abroad to purchase foreign goods.

In laying this Five Year Agricultural Development Plan on the Table of this Honourable House, I trust that it represents the beginning of a new era in the development of the agricultural sector of the Cayman Islands.

Thank you, Mr. President.

MR. PRESIDENT:

Papers continued.
The Honourable Member for Communication & Works.

THE WATER AUTHORITY ANNUAL REPORT 1989

HON. LINFORD A. PIERSON: Mr. President, in accordance with Standing Order 18, I beg to lay on the Table of this Honourable House the Water Authority Annual Report for 1989.

MR. PRESIDENT:

So Ordered.

HON. LINFORD A. PIERSON: Mr. President, 1989 was the first year in which the Water Authority had sufficiently completed works with which it was able to generate a reasonable amount of revenue.

The statement of profit indicates that a profit of C\$39,820 was achieved in this first year. This must be considered a reasonable performance for a fledgling Statutory Body in its first year of operation and whose operational expenses shown in the statement are also contributing significantly to capital projects.

The balance sheet indicates a worth of CI\$17,849,692 as at the 31st of December 1989. The major items comprise the two large infrastructural projects, the West Bay Beach Sewage Scheme and the George Town Water Supply Project.

In addition, it includes the two small well field developments and the various equipment vehicles and tools. The balance sheet indicates long term debt totalling CI\$17,179,049. Of this, CI\$3,462,049 is owed to Government and it has been agreed that this sum will be repaid over a period of 25 years with a moratorium for the first three years.

The Authority will also be meeting its other debt service relating to its CDB loan and Barclay's loan directly from revenue.

The Water Authority is now providing a full piped water supply to the whole of the George Town area, east as far as Spotts/Newlands. It has a total water production of 3,560 cubic meters per day which is equivalent to 939,840 US gallons.

At the end of 1989, 1,510 customers were connected to the system.

The West Bay Beach Sewage Project has operated for two full years and negotiations with the contractor over his claim for additional costs are nearing completion. It is anticipated that the signing of a settlement will be made soon.

The Water Authority continues to monitor and develop the ground water resources from East End and Lower Valley. They also continue to carry out research into subjects such as hydrology and sewage treatment.

It should also be pleasing to note that negotiations are in hand and almost completed with the Cayman Water Company for them to supply piped water to the district of West Bay. On 1st January 1990, the Water Authority became independent from the Government accounting system, and is now operating as a fully independent statutory body, relying on its operating revenue to meet its expenses.

As stated previously in this House, plans are afoot for a public water supply for Cayman Brac. It is proposed to install a 60,000 gallons per day reverse osmosis plant as soon as financial clearance has been given to this project.

Thank you, Mr. President.

MR. PRESIDENT:

Papers continuing.
The Honourable First Official Member.

THE AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD REPORT FOR THE YEAR ENDED 31ST DECEMBER, 1989

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Agricultural and Industrial Development Board Report for the year ended 31st December, 1989.

MR. PRESIDENT:

So Ordered.

HON. THOMAS C. JEFFERSON: Mr. President, I propose to be brief. The report, specifically on page 13, begins to capture the amount of Government's contribution to the operation of the Agricultural and Industrial Development Board. However, it does not include the contribution made by Government for no charge of the premises in which the Board operates, the legal personnel, financial and other administrative services, whose costs cannot presently be ascertained. The personnel, premises and other office services provided for the Board are shared jointly with the Housing Development Corporation and I would only add my grateful thanks to the Board for their outstanding contribution to the operation of the Agricultural and Development organisation and to also extend my thanks to the staff.

GOVERNMENT BUSINESS

MOTIONS:

(S.O. 72(5)) AMENDED MOTION AS AMENDED TO REJECT THE RECOMMENDATIONS CONTAINED IN THE REPORT OF THE STANDING SELECT COMMITTEE ON STANDING ORDERS

MR. PRESIDENT:
Government Business, Motions.

The House will move to Item 3 on today's Order Paper.

PRESIDENT'S RULING

Before the debate is resumed on the motion regarding the

report of the Standing Select Committee on Standing Orders, I would like to comment on a Point of Order raised on Friday. In the course of proceedings on the 15th of June, the Member for Communications and Works mentioned a petition aimed at causing the First Elected Member for Cayman Brac and Little Cayman to resign.

The Member for Communications and Works said, that 'they' which in this context means 'all' or some of the Backbenchers, were encouraging this petition.

The Point of Order was taken by the First Elected Member for West Bay that the Honourable Member for Communications' remarks imputed improper motives to some Members of this House. Standing Order 35 sub-Order (4) was the Order to which he referred.

Now there are two things here, there is the question of fact, whether such a petition exists and whether some or all of the Backbenchers supported it. I am speaking in brief terms, not the degree of support or the method of support but whether they did support it or not? There is certainly the question of the Point of Order, whether this would be improper behaviour or motivated by improper motives.

I have made inquiries and heard a number of people, and as a result, it appears to me, that by statements made within the precincts of this House (although not in this Chamber) and elsewhere, at least some of the Backbenchers have associated themselves with the objectives of this petition and reasonably it can be taken that they support it. However, at least one Member of the House said, and I quote what he did say,

"I stand here absolutely no part of any such suggestion."

So much for the facts. But the Point of Order is about improper motives. Is it an improper motive that is imputed to any of the Backbenchers? Not, is it improper to act in such a way, not is it misguided or is it unfriendly? Is it improper?

Now, any person, including Members of this House, may sign or commence such a petition. That is a right which cannot be denied; any person may do that. There is nothing improper in the petition itself. It violates no person's rights itself.

Therefore, in my view, it is not improper behaviour and improper motive cannot arise.

Debate continuing, the Honourable Member for Communication and Works.

HON. LINFORD A. PIERSON:

Mr. President, during my debate on Friday, on the Motion to reject the Report of the Standing Orders Committee, I took time to provide the background of the sequence of events in this Honourable House which led to this Motion which seeks to reject the Report of the Standing Orders Committee and I also provided a comprehensive analysis of the principles and merits of Government Motion No. 3/90.

However, at the adjournment, I had not completed my detailed explanation of the Report of the Standing Select Committee on the Standing Orders and this Motion which now seeks to reject that Report. It is important that it is fully understood why this Motion is brought to this House to reject the Report of the Standing Orders Committee.

It should also be noted that in order to allow the Standing Orders Committee Report to be dealt with, as recommended in the Motion calling for its rejection, the House in all respects, strictly adhered to the parliamentary procedures as laid down in our Constitution and Standing Orders, and in accordance with the procedures laid down in Erskine May, which, as most of us know, is the authority on good parliamentary practice. The point that I am making is that the democratic principles of good parliamentary practice were at all times observed and maintained, as is the customary practice in this Honourable House.

I was encouraged by the number of phone calls I received, (the majority of them at least), over the week-end, thanking me for giving a comprehensive explanation of Government's Motion. What was most encouraging is that these phone calls came from a fairly wide cross section of our Island community.

Despite what has been said against Government Motion 3/90, there is still a lot of sound thinking members of the public who understand what the Motion seeks to accomplish, and who support Government's stand on this issue. I therefore feel that any signatures which are shown on any petition should be very carefully verified and authenticated. It was also interesting to note that of those calls which I received, a number of individuals said that the opponents to Government Motion No. 3/90 seem to be somewhat confused and inconsistent in that they had said very little of substance against the Motion itself and that their arguments in respect to any possible demotion of the Financial Secretary as a result of the Motion is without foundation.

These are but some of the observations we are receiving from an enlightened public. I feel that the opposition Backbenchers could help alleviate the confusion by giving the people all of the facts.

You know there is an old but true saying, which I think was coined by a former President of the United States, Abraham Lincoln. It is as true today as it was when he said it and it goes as follows;

"You can fool some of the people all of the time, and all of the people some of the time; but you cannot fool all of the people all of the time."

Despite the insults and harassments hurled at us and despite even death threats by certain members of the public, we will stand firm on this issue. Our resolve is predicated on the philosophy that this country will not be a good place for any of us to live in, unless we make it a good place for

all of us to live in. This is what Government Motion No. 3/90 is all about.

I want to offer our opponents a bargain or a deal. That is, if they will stop telling the people untruths about us, we will stop telling the truth about them.

Mr. President, as stated on Friday last...

MR. TRUMAN M. BODDEN:

Mr. President, on a Point of Order, with respect, if he is imputing that all of us are telling untruths to the public that has got to be improper motives and he should specify these. It is a very harsh statement.

MR. PRESIDENT:

This is not an easy Point of Order because I think all Members of the House will agree that on both sides of this particular question, each side would maintain that the other was not telling the whole truth.

If you wish me to have an enquiry into what the Honourable Member means I will do it. But I think that what has been said passes for pretty common coin in Parliamentary debate.

MR. TRUMAN M. BODDEN:

Mr. President, he has done it in such a wide and general way that I think he should pin down some of what he is alleging, but, to take the brush and label everyone with it, has got to be something that affects us all.

MR. PRESIDENT:

I have heard in this House similar statements made from the other side of the House. They have passed without being challenged. What I am saying is, that both sides may well believe that the other side is not telling the truth. The truth is a very difficult thing to establish. If you wish me to have an enquiry into it I will quite happily do so.

MR. TRUMAN M. BODDEN:

Mr. President, then if the latitude is left on this side, so be it.

MR. PRESIDENT:

As I said, I repeat, I think that both sides have said this sort of thing about the other side.

Before you continue, it might be preferable if any Member feels inclined to make this sort of remark in future to say, "And such and such remarks specifically are not true," and to say why. I think, then, we would avoid this very difficult question of deciding on broad issues.

HON. LINFORD A. PIERSON:

Mr. President, when that remark was made it was specifically in my mind referring to the lady who met me outside with the confusion in her mind that she had heard it explained to her that this motion would have the effect of causing her to lose her land in Rock Hole. I have said this in the House before, Sir.

As stated on Friday last, the opposition Backbenchers, as well as other Members of this House, have given full approval to 50 per cent of Government Motion 3/90, which, was the section which seeks to have the deliberations of the Finance Committee held in public.

We have all agreed to accept this. So, as stated, the Motion cannot be all bad as the Backbenchers have already agreed to 50 per cent of the motion.

The other 50 per cent of the Motion seeks to include the Honourable Attorney General and the Honourable Administrative Secretary as members of Finance Committee, who, as Members of this House should have an equal voice on that committee. In this connection, the view has been advanced by certain politicians that if the present system is working well, why change it? But my counter to this point of view is, firstly, the system is not working well at present. That is the reason the anomalies need to be corrected.

Secondly, that there is always room for improvement as is quite evident in this matter.

I wish also to dispel any rumours or political propaganda that this Motion will have the affect of changing the Constitution. This Motion addresses only the question of certain amendments to the Standing Orders and complies in all respects to the democratic procedures laid down in our Constitution.

Section 31(1) of the Constitution states and I quote;

"(1) Subject to the provisions of this Constitution and of any Instructions under Her Majesty's Sign Manual and Signet, the Assembly may from time to time make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business, and for the passing, intituling and numbering of Bills and for the presentation thereof to the Governor for assent; but no such Standing Orders or amendment or revocation thereof shall have effect unless they have been approved by the Governor."

The purpose of reading this section of the Constitution is, firstly, to point out that the procedures followed in Government Motion 3/90 have been in accordance with the provisions of the Constitution. Secondly, to point out that the Constitution contemplates the need for changes from time to time.

On the question of the composition of our Legislature or our

Legislative Assembly, the Constitution recognises the Official Members of this Honourable House on equal status with the Elected Members. Whether this system is considered desirable by some or not, is not a question currently before this House. The question before the House, is Government Motion 3/90, which addresses the situation as it is at present and within the democratic ambits of our Constitution.

Just to highlight this point, I would refer to section 17 of the Constitution which addresses the question of the composition of the Legislative Assembly. I would point out that there are no major distinctions made between the Official Members and the Elected Members under the Constitution. Section 17(2) of the Constitution reads as follows and I quote;

"(2) Subject to the provisions of this Constitution, the Assembly shall consist of-

- (a) the Governor, or at any time when there is a person holding office of Speaker, the Speaker;
- (b) three official members, who shall be appointed by the Governor acting in pursuance of instructions given to him by Her Majesty through a Secretary of State, by instrument under the public seal, from among persons holding public office; and
- (c) twelve elected members, who shall be persons qualified for election in accordance with the provisions of this Constitution and elected in the manner provided by any law in force in the Islands."

So it shows a lack of understanding for anyone to suggest that the Elected Members of our Legislature have a greater or preferred right over the Official Members of this Honourable House.

Under our Constitution we all have equal rights as regards our rights to vote, etcetera, in this Assembly. This is the situation as it is now under our Constitution, Mr. President.

Also relevant to this debate are the provisions of section 42(3) of the Constitution which states specifically that a committee, meaning a committee of this Assembly, established by the Governor, shall act in accordance with the policies of the Government of the Cayman Islands and with any directions given to the committee by the Governor.

This section clearly points out that any committee of the House, including the Finance Committee, shall act in accordance with the policies of Government. Even the Standing Select Committees have specified guidelines to follow which reflects the policies of Government.

It is against this background that it should be abundantly clear that the anomalies which now exist need to be corrected.

Firstly, it is most important that all Members of our Legislature be involved in all stages of an Appropriation Bill in the Finance Committee.

Secondly, and of major importance, is that the present system has the effect of placing the Financial Secretary in the impossible situation where he is expected, firstly, as Chairman of the Finance Committee to vote status quo which is oft times opposed to Government policies. Secondly, as a Member of Executive Council, he is constitutionally bound by the provisions of section 9 of the Constitution in respect to collective responsibility. This situation is not good and is inconsistent with good parliamentary practice.

You cannot serve God and Mammon. How ridiculous to place the Financial Secretary in a position where he has to agree with Government's policy in the Executive Council on the Second Reading debate of the Bill and on the approval of the Bill on the Third Reading of that Bill. Yet, in Finance Committee, he may have to vote against a position he had previously agreed upon, by virtue of his position as the Chairman of that Committee.

Not only is this irregular, it also makes a mockery of the constitutional principles of collective responsibility. Consider how ridiculous it also is for the Financial Secretary to be placed in the position where he spends endless hours with other Members of Executive Council, Principal Secretaries and Heads of Departments of all Portfolios, and indeed, the members of his own Portfolio, in the preparation of the Budget and also spends hours presenting the Appropriation Bill in the Budget address; voting in favour of the bill through its various stages and then when it gets to Finance Committee, he may have to reject it. This places the Financial Secretary in a very invidious position. That is why the anomaly needs to be corrected and should have been corrected many years ago.

Although the situation has been allowed to remain over the years it is quite clear that it needs to be remedied, irrespective of the political alliances which may be present within Finance Committee.

I have made appropriate and relevant references to certain sections of our Constitution to show that no section of it is proposed to be amended through the introduction of Government Motion 3/90 and to provide the constitutional authority under which we act or upon which the Motion is based.

Section 43(2) of the Constitution states quite explicitly that the Chairman of the Committee established under section 42(1), which deals with the Committees of the Assembly of this Constitution shall be a Member of the Executive Council who has been charged with responsibility under section 9 of this Constitution, and as stated earlier section 9 of the Constitution deals specifically with collective

responsibility.

may be to the functions of such a committee.

It goes on to say whose responsibility corresponds as nearly as

This is the constitutional procedure followed in the appointment of the Chairman of Committees of the Assembly. So it is quite clear that a Chairman, if he is a Member of Executive Council, is expected to act in accordance with the policies previously agreed upon by Executive Council under the principle of collective responsibility and should not be placed in a position where tradition may force him to have to vote against a position he previously approved and supported.

It should therefore be clearly seen that Government Motion 3/90 does not have the effect of demoting the Financial Secretary, but rather it has the positive effect of placing him in a position where he can defend those policies which he had previously approved. This is a major effect of Government Motion 3/90.

I truly believe that this Motion is misunderstood by many of its opponents. But it was Harold McMillan who said, "I have never found in a long experience of politics that criticism is ever inhibited by ignorance."

I reiterate that a major issue which requires correction is the anomaly in respect of the Financial Secretary's position as Chairman of Finance Committee and the conflict which this creates in view of him having to exercise his casting vote whereas in his position as a Member of Executive Council, he is bound under collective responsibility.

It does not seek to demote him. He will still remain the Financial Secretary of these Islands, just like any Member of Executive Council will retain their responsibility for their Portfolio if the Governor sits in that Chair and pilots a bill through the committal stage as President of this Assembly.

As I stated, the major difficulty that he is faced with is that of being required constitutionally to support Government policies as agreed upon by the Executive Council and finding himself having to go against those policies because of the traditional procedure which gives him no discretion as he must vote the status quo. This is a vote which is beyond his control and does not necessarily reflect his own judgement. In other words, he is obliged to vote in a certain way regardless of whether or not he is of the opinion that it is not the right way to vote, because he must maintain the status quo.

Despite the accusation made, this is not a personal issue between the Financial Secretary and other Members of Executive Council. It is an issue which attempts to correct an anomaly or anomalies which have existed for many years and that should have been corrected years ago. If for no other reason, this Motion should receive the full and unanimous support of all Members of this Honourable House in the interest of good Government.

Before taking my seat, I would like to reiterate that it is totally unfounded that the passage of this Motion will result in taxation. This is incorrect. That, is again political propaganda. It is correct that revenue measures will be brought to this House during this meeting. This will be done whether this Motion is successful or not. I feel that when these revenue measures are presented they will be found to be quite acceptable to the public. Of course, I realise that it would be unrealistic for me to expect that they will not be met with some opposition because I have yet to see any issue brought to this House, however good, that was not met with some opposition. I am not suggesting here that matters brought to this House have not received the full support of the House, I am saying that those matters, more often than not, meet with some opposition.

As is pretty well known this Government has agreed to award our hard-working civil servants with a well-deserved 22 per cent raise in pay and contrary to the accusation hurled at us, we are not using the civil servants as an excuse. It is a fact that Government will have to provide an additional \$10 million dollars annually to cover the 22 per cent pay raise. Therefore it would have been fiscally imprudent to have utilised Government's surplus revenue and general reserves for this purpose.

The point here is, that it is totally incorrect that this Motion will be used to assist Government in bringing any form of direct tax measures. To speak of the intentions of the opposition Backbenchers in this regard is impossible; I cannot read their minds, I can assure this Honourable House and the listening public that Executive Council Members have no such plans.

In summary, I support the Motion before this House to reject the Report of the Standing Orders Committee as I feel that Government Motion No. 3/90 is timely and will have the effect of correcting the anomalies which now exist within Finance Committee.

First, Government Motion No. 3/90 will have the effect of opening up the deliberations of the Finance Committee to the general public. Second, including the Honourable Attorney General and the Honourable Administrative Secretary as members of Finance Committee and perhaps, most importantly, correcting the conflicting situation which now occurs where the Financial Secretary as Chairman of the Finance Committee is placed in the invidious position of having to vote against Government policies which he has previously agreed upon, approved and supported.

I trust that I have laid to rest the misconception that the Financial Secretary's position is being undermined in anyway. I also trust that it can now be clearly seen that this Motion will have the effect of not only correcting the anomalies which have now existed within the Finance Committee, but will also place the Financial Secretary in the position where he can support the Appropriation and Supplementary Appropriation Bills completely and without being placed in a position of conflict.

It has clearly been pointed out that as Chairman of the Finance Committee he is only now able to exercise a casting vote which in accordance with the traditional procedure does not necessarily reflect his own good judgement.

I think that this is a very good Motion and I trust that I have been

instrumental in explaining to the public what it is all about, and to clarify any misunderstandings they might have about the Motion.

House.

Mr. President, I commend this Motion to this Honourable

Thank you, Sir.

MR. PRESIDENT:

Proceedings are suspended for 15 minutes.

AT 11:24 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:47 P.M.

MR. PRESIDENT:

Proceedings are resumed.

Select Committee. Does any Member wish to speak?

Continuing with the debate on the Motion on the Report on the

Cayman.

The Second Elected Member for Cayman Brac and Little

MR. GILBERT A. McLEAN:

Thank you, Mr. President.

Government Member might be following up on the

I was waiting to get the podium as well as waiting to see if any last speaker.

the "political atrocity" of Motion 3/90 which is before this House. I speak today with the full understanding from the people of Cayman Brac and Little Cayman, whom I represent, who have elected me and who have instructed me to oppose this Motion and that I vote 'no' to this Motion.

I rise and state that I stand absolutely opposed to what I term

House came into session, as it has been to the other representative for Cayman Brac and Little Cayman, the First Elected Member. It is my intention to follow the wishes of the people in this matter.

oppose this Motion and that response has only come from the people of these Islands, because the people understand very well what this Motion is attempting to do. I think the people of these Islands stand somewhat in shock about its implications.

At public meetings also, it has been made clear that I should

about people in this House instigating petitions against the First Elected Member and that definitely excludes myself because on the same occasion at a public meeting held by the First Elected Member for Cayman Brac and myself, a member of the public who spoke, made it known to the people of Cayman Brac and Little Cayman who were in attendance, that he had drawn up a petition which he wanted them to see and read, and if they agreed they could petition both of us on the matter. And they did and it was to oppose this Motion.

which they have as citizens) will petition either of us individually. There appears to be intimidation and obstruction to this process that exists in any democratic society. I have been told (and I cannot speak for the accuracy of it), that there is a petition in circulation intended for, or to be presented to, the First Elected Member for Cayman Brac asking him to act in a certain manner. I understand that civil servants, in particular, and persons to whom Government is paying pensions, and persons Government assist on welfare matters, have been instructed by Members of the Government that if they sign such a petition, monies will be stopped and, if civil servants sign such a petition they will be dismissed.

Now it appears that the people (who are carrying out the right

any regulations under which civil servants operate that forbid them from petitioning their elected representatives. If this is happening I request that the persons in official authority cease from such intimidation or threat. Petitioning is a right in any democratic society and it must not be less in the Cayman Islands.

matter, because of how one of the representatives has voted so far, I feel that there are certain matters I must reply to in response to statements made by the First Elected Member for Cayman Brac.

So many things hinge on the district of Cayman Brac in this

and responsibility must be to the people who elected me), I also have a duty and a responsibility to all of the people of the Cayman Islands. Because of this very basic truth, I am not excluded from speaking at any public meeting in any district of these Islands. Nor do I believe that the other Members of this Legislative Assembly are excluded from speaking at meetings in other districts, that is, the Elected Members. I think the Official Members would definitely fall into a different category in that respect. Which is one of the significant points in considering the implications of this Motion and what it proposes to do.

First of all, I wish to say that while the first call on me (my duty

political unrest in these Islands, basically as a result of the position he has chosen to take.

the Government, Backbenchers or himself to resolve differences or to talk about differences of opinion.

I cannot agree that I have refused at any time to sit down with

have sat down to discuss a particular matter with the Government, the general attitude seems to be (perhaps the Member who has moved this Motion has stated it most succinctly when he said), "The Backbenchers may have

their say, but the Government must have its way."

I suggest that is the general attitude prevailing in this country at this time. That takes serious disregard even to the fact that in many instances the majority of elected representatives of the people, speak in a certain way about a certain matter and that does not coincide with the view of the Government.

The First Elected Member for Cayman Brac says that it is not a constitutional change that is being debated or proposed in this Motion. Perhaps to some extent he is right, but I have disagreement with that statement in totality and I shall speak to that a little further in my debate.

It is true that in 1988 the First Elected Member for Cayman Brac was nominated as a Member for Executive Council; I ought to know, because I nominated him. And most surely the four Members who now sit on that Council had every opportunity of accepting his nomination. Certainly the Backbench Members, who in the final analysis elected the four Elected Members to Executive Council, had the opportunity of electing him, but they did not.

It is interesting that the Member who moved this Motion 18 years ago, in the report that he has referred to at length during the time of his discourse, (the report by the Constitutional Commissioner, the Right Honourable the Earl of Oxford and Asquith), he, along with other Members in the Legislature at that time, recommended that four Elected Members, one Member to be from Cayman Brac and Little Cayman should be included on the Executive Council.

How times have changed! Eighteen years later that does not appear now to be a necessity. Now we have reached a position where so much more is happening in Cayman Brac and Little Cayman. There are so many more needs and indeed the rate of development politically, economically and otherwise, dictates that any sensible person should see it as only right, just and fair that there is a Member from Cayman Brac and Little Cayman on the Executive Council.

I cannot speak for the feelings of the First Elected Member other than he has stated how he feels that he was not accepted. What I do know is that the Members of Executive Council had the opportunity of allowing that situation to occur.

I have given Executive Council the support that I believe they should have. Whenever it was clear that there was something good before this Honourable House for these Islands, be it open in the House or be it in committee: I have done that. Therefore, my colleague, the First Elected Member for Cayman Brac, is doing no more than I am doing in instances where I am certain the Government is right in what they are doing.

I disagree that the masses of people are not the ones, in the final analysis, who hold the power of this country and have granted it, but for four years, to the people who sit here in this Chamber. One might term it a licence, a mandate, or whatever one chooses to call it, but I believe that the power in any democratic country lies with the masses, if they so be termed. And those masses, in this instance, I think are making it abundantly clear what their sentiments are. For the Government to sit here in this Chamber believing they do not understand what the Government is attempting to do, what the implications are of this Motion, other than just the chat about amending Standing Orders, they are sorely mistaken.

I wonder why the public has reacted so strenuously? It could hardly be that the seven Backbenchers, who vote in block, are such geniuses that we could push a button and turn them on, the Chamber of Commerce, the lawyers of the Cayman Bar Association and the other intelligent people in this country. No, we do not have that kind of power. It is only the Government that has that kind of power, or so they pretend.

I believe the Members of Government and the Members of this Backbench, should understand very clearly what the sentiments are from the masses in this country and it is not confined to any one district.

I am grateful that the people of Cayman Brac and Little Cayman have made it abundantly clear to me what I am to do in this particular instance. I could but trust that in keeping with the position that my worthy colleague has often stated he acts in keeping with the wishes of the people of his district, that he finds that convenient to do in this instance, even though approximately five times now, he has voted with the Government for this Motion to continue.

He stated that he has lived in the Islands of Cayman Brac and Little Cayman just about all of his life, and that he did not go there in 1980. Coincidentally, that was the year that, as a civil servant, I went to Cayman Brac where I acted in the position of District Commissioner for nine months. I can but assume that I must have done something right in the eyes of the people of that Island when eight years later, they called me back and elected me as one of their representatives, only shy of two votes to meet the amount which my colleague received in that district having spent all of his life there. I am greatly honoured and will always be for the trust that the people of those two Islands have in me.

"Petitions tend to divide and not unite", he also said. I do not necessarily agree with that because petitions express the opinion of the people on a certain matter and there are always people who disagree with one another. A husband and a wife in their home can have disagreements on a particular point. So I do not believe that because, there are petitions circulating in this country now, that is something which is going to divide this country so severely that it will be irrevocably divided now and forever more.

I believe that the petitioning going on in this country is trying to say to the Government of the day, "Stop what you are doing" and it is trying to instruct the rest of us to take a certain course of action.

Of course there was no unrest or protest and there was no cry from the community, when the Standing Orders were amended in 1986, because the amendment to the Standing Orders was not to take away from the Elected representatives of the people the right to vote the people's money.

To demote the Financial Secretary and to vote two Official Members on to the Finance Committee. So why would there have been need for the present outcry? Such arguments bear little weight in fact.

I would like to state that I too, take counsel with my God as I believe Him to be; I have always done so. I was raised in a Christian home, in a Christian environment and I have some very strong religious beliefs. Unlike the pharisee in the Bible, when I pray I do not smite upon my breast.

No one in this country is more aware than I am, and generally I believe we all are, in this House. Not for selfish reasons or for reasons of greed, that we should want the conditions to continue in this country, whereby many persons have become rich, or the conditions that provide over-employment, should continue.

We all are aware that it is important that stability remains in this country. I do not believe any one of us does not understand (unless it is the Government Bench, who do not understand) that at this time they are threatening stability by what they are attempting to do with this Motion. No one needs to caution me, because I am well cautioned having formerly studied governments, the history of these Islands, having lived in these and other islands, having seen some of them that I love very dearly, go from outstanding communities in terms of their development and economic well-being, into the severest hardship that is good for no one.

No one here loves their country anymore than I do. I have nationalistic feelings long before it became the thing of the day for many persons to espouse. I have children and I am concerned about what will happen to the children of these Islands, not just my own, when Government, through bad policies and through determination to do what it will against the wishes of majority, can cause to happen in this country, thus affecting the children to come.

No one who is thinking about the country (irrespective of whether they have children or not), should find themselves in a position where they will do anything that affects the country.

The Financial Secretary at this time presides over the Finance Committee as it presently is, where it is comprised of 12 Elected Members of the people. He can vote if it is a casting vote and it did not happen that way by accident. I do not think that it is a good argument to say that the Financial Secretary does not always preside over the Finance Committee, that he sometimes sends his deputy to do that. It is understood that such occasions will occur and it is only right and proper.

I have seen occasions when the President of this Legislative Assembly could not be here for a specific time and the Official Member, who is so authorised, presides in the Chair during that period of time. So what is the big deal about that? It escapes me.

The Chairman does not, at this time, have an original vote and that came about by the wishes of the Elected Members of the people including the Member over there who is moving this Motion now to change it. That too, came about shortly after the Oxford and Asquith Report.

What use is it that the Financial Secretary would have the winding up, say on a matter coming before the Finance Committee, if it is changed as the Government wishes it to be? How condescending! Who says he will have the winding up part of it? That is no guarantee.

The Financial Secretary, like everyone else on Executive Council, is charged with certain responsibilities by the Governor and each one has a number of responsibilities, complex, I agree. One Portfolio in recent times had so many, that some were shifted to another, so we are all aware that various Portfolios have various duties and responsibilities. More ideally, if there were more people on the Executive Council they could be more fairly and reasonably shared. But that is not the way it is. Thus, it continues as it is.

I have really not heard the Financial Secretary complaining about his duty of presiding over the Finance Committee. If he was, I would be inclined towards his request to be removed as captain and made ordinary seaman. Therefore, I find no reason whatever to wish to see him changed.

It is true that a quorum of this House is seven. It is set down in the Constitution and in the Standing Orders. I think that the people of the Cayman Islands are very sensible indeed when they have a fear about Government making a move that will entrap and guarantee seven votes at any time to itself. That cuts against the whole principle of the Westminster model of Government I suggest, Mr. President, because it is always understood that a Government cannot be democratic where the balance is not weighed against it. Where the Government executive, through its own number of votes, can continue unaffected by the other side of the House and that is one of the things that this Motion can cause to happen.

For the only bearing that an eight/seven situation has on this matter is if all 15 people are present in this House. If it is otherwise, if two are absent then without question the Government can do exactly as it chooses.

At best if one is absent it might come to a tie and we would normally expect that the vote would be cast to maintain status quo.

This idea of having seven guaranteed votes tied by collective responsibility, where Members, even though they may personally disagree with something must vote for it, is a grave danger to this country and it is one that does not send assurance through the country but indeed chills. I say that, believing the same to be true.

We might think that this type of Motion might be brought before other Parliaments, but not ours. That is my opinion about it. You hear of it happening somewhere else and you could say, yes, that is possible, because of the history of the country, because of dictatorial history that the country may have, or, because it operated under a junta or something of the sort, but not in this Parliament. It frightens me.

I do not believe that there is too much misinformation going around on this matter, because Government is putting forward its reasons why it wants it, in a way that it does not

want the public to see the deeper implications. On the other hand, the Backbenchers are endeavouring to make sure the implications are understood. No one is disagreeing that there is talk about changing the Standing Orders, but it is what, when those Standing Orders are changed, is going to come about.

I agree with my colleague, the First Elected Member for Cayman Brac, that we collectively held a meeting and that there were certain speakers, that there was a petition which asked us to vote 'no' to this Motion. I did not find any Member of Government who sought my consultation as to why they wanted to bring this Motion. I did not find my colleague, in fact, asking the Backbench to sit down and discuss this matter. As I have said, certainly the Government did not, for after all, the Mover says, "The Backbenchers may have their say, but Government must have its way."

I think that this Motion is understood by the lawyers, the accountants, the members of the public, and it is understood by the bankers and they cannot be reassured by what this Motion implies and what it is obviously attempting to do.

Where a minority of four Elected Members, because they cannot have their way on matters which would commit this country to large expenditures in certain areas such as the MGTP, the hospital, the Jennett T, and all of the rest of it, because they cannot have their way; this Motion has now come about.

I think it is most unfortunate that we have reached a stage where the people are angered to a point that they are making death threats to Members. That is indeed a very sad state of affairs. But it is quite obvious what the Government and the persons supporting the Motion need to do. They need to stop what they are doing because obviously the reason for the threats and the anger is because of this Motion. Therefore, stop the Motion.

I do not agree that the Members of this House cannot agree to sit down and agree to something on a particular matter. That was done in November of 1989 in a way that indeed it proved beyond a shadow of reasonable doubt that the Backbenchers, whom the Government refer to as renegades, as people who do not have the country at heart and all the rest of it, had the country at heart when that budget was agreed in November 1989.

Otherwise it was absolutely within the discretion of the block of seven votes to have voted down that budget and have killed everything that the Government brought to the Legislative Assembly. I would hope that that would have been the course of action taken if such a rejection had occurred, then the people would have had the right to decide what happens thereafter through free elections. But that did not happen.

That budget was agreed, item by item. There was never a question about agreement. Wherever it had to be increased the appropriate Member moved it, the Chairman, by agreement by the Government side, to increase a Head. Where there was a decrease, a Member nominated out of the Backbench group moved, the decreases of that budget. So that, I state, is one of the clearest means of determining that Members can agree. It was stemming out of that that the Government took a different attitude towards things.

I do not have any animosity towards any Member in this House. I take disagreement with many on many issues and I always will, where I feel that I have a differing point of view. If it comes to a vote and I do not agree with it, I will not vote for it. I have no animosity towards Members of this House, so I do not understand this story about animosity that is so well carried on the front page of today's paper about, 'Is it too late to put animosities behind us?' I do not know who has animosities: I certainly have none.

I do not see any mob rule in this country. I see 15 people in this Chamber debating and deciding on a Motion that the masses of the people say is wrong. I do not see any mob rule. I certainly stand here supporting the people's right to protest by placards, by marching and by petitioning. I stand for that because in countries where that does not exist or is not recognised, surely we do not claim those countries to be democratic.

It was only since those things have been allowed in certain parts of Europe that they are now reaching the position of democracy. So I do not share the view with anyone, anytime who would find something wrong with that. In fact I encourage the people of this country to realise that they have a right to protest. I am not talking about 365 days a year, but when the occasion arises, they have a right to protest. It is not a privilege, it is a right!

I believe that putting three Official Members on the Finance Committee, yes, it does damage the situation that has existed now for 18 years, because it strikes at the most basic and fundamental principle under the Westminster model of Government under democracy that only the elected representatives of the people have the right to vote the people's money. It is part of what is called the checks and balances in Government.

It recognises in public administration that there are basically three arms of Government, the Civil Service, the Executive and the Judiciary. And this Motion is attempting to merge the Civil Service into the political arm of Government: Civil Service and the Executive being taken as one. It is attempting to merge the Civil Service into the political arm of Government and that cannot be democracy.

Again, I say that I believe the people of these Islands understand very well indeed what this Motion is attempting to do, what this Motion implies if it is passed and the people are saying that it should not happen.

It is quite in keeping with the attitude of the Government of the day, I believe, consistent with this attitude that only a few days ago it blew down again a Motion for a Bill of Rights. It says something, because this Motion is dealing with a fundamental matter of political freedom, the right of the people to be ruled by its duly elected representatives and to control the monies of the country for which they can be held responsible.

Civil servants are fortunate, they do not have to hold public meetings, or to answer to an angered public, or to try to convince the people that given all the conditions that exist on a daily basis and all of the needs which need addressing, that you are trying to do your best in the circumstances. That is a key to democracy that the people can remove the people that they have elected. That is the most basic fear that any politician or any elected Member has uppermost in his mind if he is one that has any true feeling that it is an honour to be elected and certainly if he wishes his career to continue. The people give the power and they take it away.

This matter goes back way into history. It goes all the way back in England to the year 1215 when King John was forced to accept the Magna Carta. That was the first document setting down English liberty. The second was the Petition of Right which was accepted by Charles I 1628 and of course the Bill of Rights was passed in 1689 and these three acts together have been called the 'Bible of English Liberty'.

I say we are talking about liberty here. We are talking about the freedom of the people to have their elected representatives express their will in a democratic way through a majority and also the right of freedom of having the elected people authorise the people's money. How can the Government possibly miss this particular part of this exercise or is it like my Honourable colleague the First Elected Member from Cayman Brac said, "There is none so blind as those who will not see." The Bill of Rights set down very clearly that the levying of money for, or to the use of the Crown by pretense of prerogative without grant of Parliament for longer time or in other manner than the same is, or, shall be granted, is illegal.

I argue that monies to be spent in this country are authorised for and on behalf of the Crown. For certainly in a position of being a dependent country the chief prerogative is with Her Majesty's Government.

So that is fundamental to this whole exercise that Parliament must vote the monies. We have a situation where in our Parliament we have three Official Members because of our Constitution being the way it is at this time. Certainly when it comes to the question of money we should not breach so fundamental a principle that we want to change, we want to reverse 18 years of the elected representatives having the right, being authorised to vote the people's money, for Government to stack the deck against the majority of the people's elected representatives in the Cayman Islands.

I argue that there are certain international conventions which give weight to what I am saying in terms of the people's will being expressed through its duly elected representatives. And that going back to the Bill of Rights, 301 years ago, it was clearly implied that Parliament, being the elected representatives of the people, had the right to levy taxes or to provide monies for the Crown.

I would just like to refer to the Universal Declaration of Human Rights, section 21 (1) which says:

"Everyone has the right to take part in the Government of his country directly or through freely chosen representatives."

Section 3 says:

"The will of the people shall be the basis of the authority of the Government. This will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedure."

I would also like to refer to the American Declaration of the Rights and Duties of Man, section 20:

"Every person having legal capacity is entitled to participate in the Government of his country, directly or through his representatives and to take part in popular elections which shall be by secret ballot and shall be honest, periodic and free."

The International Covenant on Civil and Political Rights section 25 says:

"Every citizen shall have the right and the opportunity without any of the distinctions mentioned in article 2, and without reasonable restrictions -

- (a) to take part in the conduct of public affairs directly or through freely chosen representatives
- (b) to vote and be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors."

Mr. President, the European Convention on Human Rights and Fundamental Freedoms to which the UK is a signatory says:

"The high contracting parties undertake to hold free elections at reasonable intervals to elect by secret ballot under conditions which will ensure the free expression of the opinion of the

people in the choice of the Legislature."

(1): The American Convention on Human Rights says, in section 23

"Every citizen shall enjoy the following rights and opportunities -

- (a) To take part in the conduct of public affairs directly or through freely chosen representatives.
- (b) To vote and be elected in genuine periodic elections which shall be by universal and equal suffrage and by secret ballot that guarantees the expression of the will of the voters."

Mr. President, there are other conventions no doubt that reaffirm the position that the people's will is expressed through its elected representatives and that this is done through free elections.

It does not say that a Government which has found itself in a minority position may take a decision to assist itself into a position of majority to vote the funds of any given democratic country.

MR. PRESIDENT: Would it be convenient for you to break here?

MR. GILBERT A. McLEAN: Yes, Mr. President.

MR. PRESIDENT: Proceedings are suspended until 2:15.

AT 12:46 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:20 P.M.

MR. PRESIDENT: Proceedings of the House are resumed. The debate on the Standing Order Select Committee is resumed. The Second Elected Member for Cayman Brac and Little Cayman continuing.

MR. GILBERT A. McLEAN: Thank you, Mr. President, when we broke for lunch I was referring to various conventions and citing sections on these conventions which referred to the will of the people as expressed through their elected representatives. I was arguing that it is only through the elected representatives of the people that the people's will is expressed.

The Member presenting this Motion argued that the situation as obtained in Grand Cayman obtains in other Parliaments in the Commonwealth. I take disagreement with him, in that there are few Dependent Territories left and I am unaware personally of any where on the Finance Committee there are Official Members.

He referred to statements made at the recent CPA conference and pointed out that even in the United Kingdom it is possible to appoint a Cabinet Minister who is not elected by the people. In this respect I agree with him and it is the case that a situation like that does exist in various Commonwealth countries. But it still comes back to the main question, that the elected representatives of the people vote the finances of the country.

I would like to refer to statements made by the various resource persons on this very point that was raised in this Chamber during the time of that seminar.

To quote what Sir John Sharpe of Bermuda said, in referring to expenditure being dealt with by the elected Members of Parliament. He said:

"In Bermuda that was implied, it still is implied, we do have a second Chamber, the Legislative Council now called the Senate, but it cannot interfere as it were, with money bills. They can only be dealt with by the elected representatives of the Parliament and so it has always been.

So, implicitly I think that when it comes to expenditure, certainly in my country previously and presently, it has been dealt with by the elected Members of Parliament."

Another Resource Speaker, Speaker Daniels of St. Lucia, stated:

"It was pointed out that it is the elected Members who provide supplies and they are the ones authorised. We have a bicameral Parliament but the estimates are never laid in the Senate.

It is the elected people who give the supplies, and therefore if you do not have a Minister of Finance it is quite appropriate for the Financial Secretary to preside and give the explanations and guide that Committee. But it is the elected Members who make the decision and all of them are there."

Another Resource Speaker, Mr. Ripton McPherson speaking on that also says:

"I think that we ought to remember that to a large extent the history and growth of the development of Parliament has been based on this precise thing. That is the objection of people being taxed without their being able to offer any representation as to what happen to the taxes and what they were being used for."

Consequently the whole concept of taxation coming before the Members or the people's representatives in the form of the Elected Members has been enshrined in most of our Constitutions. So the answer is, I think, yes, all of these things have to go to the entire House for consideration.

Of course, when he said the entire House, they do not have any Official Members in their House.

So I take it from those resource persons, persons highly respected in their own right and on the very questions that we are dealing with here today, as saying that it is the elected representatives of the people who deal with finances.

What the Motion proposes to do is to dismantle and create a new composition in the Finance Committee. As it stands all 12 elected representatives form the Finance Committee and the Chairman, the Financial Secretary only has a casting vote, a tie breaking vote. This is this way because the people of this country, past Legislators, including the Member bringing the Motion, voted that all elected Members should be included on the Finance Committee and only the elected representatives with the power to vote.

What is being recommended here beyond a doubt, demotes the Financial Secretary, who is charged with responsibility for finances in this country, demotes him to an ordinary Member of the committee. The sole purpose for it is that the Government will have one more vote that they can command unquestionably through collective responsibility.

To remove the Financial Secretary, removes his objectivity and from a position where he only votes when there is a tie. When the people's representatives have reached a position of a 50/50 stand off, then he votes in the conventional manner.

If this Motion should go through, what it wants to do is to dictate precisely how he votes. There will be no way for him, even if it is against his conscience, can he vote otherwise, than with the dictates of the Executive Council. He is caught through collective responsibility from which he cannot retreat. His only retreat is to resign. It forces him as a civil servant and an Official Member to vote the people's monies as is set down by the wishes of the elected Members of Executive Council.

It creates a guarantee that the Government, if you will the Crown, must win because it places a situation, an onus on the three Official Members whom the elected Members wish to join to give them the majority of seven votes which it needs. As I have pointed out, this majority of seven votes, should every other Member of this Legislative Assembly not attend because it forms a quorum of the whole House, can vote whatever monies it sees fit.

To refer to the Constitutional issue, I argue that if this Motion is passed and even as it stands to do what it wants to do, is against the intention of the Constitution. For to place anyone other than the Financial Secretary in the position of Chairman of Finance Committee goes against the intention and the spirit of the Constitution as expressed in section 43(2) which says and I quote:

(2) The Chairman of a committee established under section 42(1) (and that is the section where the Governor may create committees) of this Constitution shall be a member of the Executive Council who has been charged with responsibility under section 9 of this Constitution and whose responsibility corresponds as nearly as may be to the functions of such committee."

I contend that for anyone other than the Financial Secretary to be Chairman of the Finance Committee goes against the intention and the spirit of the Constitution as expressed in 43(2) of the Constitution.

There is good reason for it and I can certainly see the logic of the people who drafted that Constitution. Why should the Financial Secretary sit as an ordinary Member when in a committee that is dealing with the very subject for which he is charged?

On a more personal level, there is a strong feeling, I contend, in this country that the people of this country, certainly myself, certainly others in this Legislative Assembly do not want to see the person who has worked so faithfully in that position removed and demoted to a position of an ordinary Member simply to suit the whims of the Elected Executive Council.

The mover of the Motion also pointed out that the President would be presiding as the President in this particular instance. While purely from a management point of view one has to take into consideration that the position of President in the Legislative Assembly is but one more role which the Governor of the Islands fills.

The Governor is a Chief Executive of the Cayman Islands, he is the Chairman of the Executive Council on which sits four Elected Members and three Official Members. The three Official Members are civil servants. The Governor is also Chief of the Civil Service, so he ultimately is the one that authorises the appointment of the civil servants, he also authorises in the final act, their dismissal.

Such Official Members are bound two ways in the particular situation both by the directions that they must take from the Governor as Governor and as Chairman of Executive Council which decides bills and Motions which come to this House.

In instances when this Legislative Assembly is in session the Governor is obliged at 10:00 A.M. to cease being the Governor and then become the President of the Legislative Assembly.

And for the Governor also to be called upon to be the Chairman of the Finance Committee goes beyond what is necessary, is logical, or is indeed helpful towards political economy and political development in these Islands.

It has been pointed out by the mover of the Motion that the Governor has certain unlimited powers which is set down in the Constitution and that is a fact.

The question is, if in this day and age and if the Cayman Islands has reached any level of political maturity, if what obtains in the Constitution is now still applicable and necessary that the Constitution conveys on the Governor and certainly whether there are circumstances in this country that would warrant the use of such authority.

This reserve power, Mr. President, I would just like to refer to a section on this, section 38 (1)

"(1) If the Governor considers that it is expedient -

- (a) in the interests of public order, public faith or good government (which expressions shall, without prejudice to their generality, include the responsibility of the Islands as a territory within the Commonwealth and all matters pertaining to the creation or abolition of any public office or to the salary or other conditions of service of any public officer); or
- (b) in order to secure detailed control of the finances of the Islands during such time as, by virtue of the receipt of financial assistance by the Islands from Her Majesty's Exchequer in the United Kingdom for the purpose of balancing the annual budget or otherwise, such control rests with Her Majesty's Government, that any Bill introduced, or any motion proposed, in the Assembly should have effect, then, if the Assembly fail to pass the Bill or to carry the motion within such time and in such form as the Governor thinks reasonable and expedient, the Governor may, at any time that he thinks fit, and notwithstanding any provision of this Constitution or of any other law in force in the Islands or of any Standing Orders of the Assembly, declare that the Bill or motion shall have effect as if it had been passed or carried by the Assembly either in the form in which it was introduced or proposed or with such amendments as the Governor thinks fit which have been moved or proposed in the Assembly or any committee thereof; and the Bill or the motion shall be deemed thereupon to have been so passed or carried, and the provisions of this Constitution, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly:

Provided that the Governor shall not exercise his powers under this subsection without having first consulted a Secretary of State, unless in his judgment the matter is so urgent that it is necessary for him to do so before having so consulted.

- (5) The powers of the Governor under this section shall be exercised by him acting in his discretion."

Mr. President, fortunately for these Islands, the Cayman Islands have not found the need to receive from Her Majesty's Exchequer in the United Kingdom funds to balance the budget and so to imply that this section of reserve power which is so extenuating, to say the least, should have even been thought of as coming into play really makes one wonder. There is unlimited power but certainly I should hope that such a situation would not under any circumstances become necessary.

Therefore, I cannot see why the argument can be logically advanced that because this reserve power is here and the fact that the Governor may, that that applies in this particular consideration in changing the Finance Committee.

Collective responsibility is the means by which this motion hopes to seize authority from the majority of the elected representatives of the people, so that the Executive Council may vote funds unrestrained where they have seven votes and where the quorum of the House is seven. If the seven meet and there are only two persons absent the Finance Committee made up of the seven Members of Executive Council can vote the people's money as they choose.

This is what the people of this country are concerned about.

Again on a personal level, how do the elected Members of Executive Council justify in their mind and conscience placing the Financial Secretary in a position where he is obligated to vote himself from a position of captain to an ordinary crew member.

I have a serious problem with that. It strikes me like it could be compared to a time in history when certain people were told to dig their own graves into which they would be shot and put.

MR. PRESIDENT: I have to interrupt you, I think that is a rather excessive use of metaphor almost amounting to unparliamentary.

MR. GILBERT A. McLEAN: Mr. President, as you rule. I have, however, to emphasise that I believe it is against all conscience and what is right to place someone in the kind of position as this Motion will be placing the Financial Secretary.

Also it further places all three Official Members in a situation that whether or not they believe a certain matter may not be right and their conscience dictates otherwise they are entrapped by collective responsibility to vote as they are told.

Another point to look at in this situation is that this matter is retrogressive. It has taken these Islands from a position where we have come to accept and to recognise the inherent right of the elected representatives of the people to vote the people's money, back 18 years; 18 years, almost two decades to go back into time.

That cannot be in keeping with the declared sentiments of the United Kingdom Government to assist Dependent Territories towards self-reliance and developing and understanding what political development is all about.

It cannot be in keeping with the commitments given to the United Nations that this type of thing would not happen. I imagine in Barbados today there is a meeting of a Standing Committee of the United Nations which looks after the development of Dependent Territories. I wonder what they would have to say if they knew what was being attempted here today in this Assembly? How could it fit with (what they stand for in the commitments to the imperial power) that this type of retrogressive action would not be taken? How does it fit in the over-all pattern of events?

I add here again that the Caymanian people are making it abundantly clear that they do not want this to happen and that is extremely significant. If this Motion should pass it will also, in its workings within the committee, affect the efficiency with which the committee could function. Or if it is going to invoke the Standing Order which says that it will function as a committee of the House for example, it takes away the flexibility of coming in the committee and making changes as discussion continues, because it is required under the Standing Orders to give two days notice. Of course that may be waived, but if you are going to stick to the rules a two day notice is necessary to make amendments.

The whole idea of a Finance Committee and why it is a committee as such functioning as it does, is that the details of financial matters can be discussed. A member can speak more than once, changes can be made if in the course of discussion it is found that from one vote monies should be moved to another vote, it gives that flexibility. That would also be hampered in this particular respect.

This move has very little to nothing to recommend it to well-thinking representatives of the people.

The Motion, in the recitals, quotes various reasons for bringing this Motion. It quotes for example that there are no representatives from Cayman Brac on the Finance Committee and this House knows why. It could have had if a Member had been voted on Council, there is no Member from the Brac on Council, no Elected Member representative of the Brac on Council and this House knows why. That cannot be a very good excuse because there is no question about the two Islands having sufficient monies, for the two representatives, along with the support of the other Backbenchers, voted ample funds for capital works and otherwise, for Cayman Brac and Little Cayman. The problem is in having it spent before it goes back to revenue at the 31st of December. That is a very lame excuse.

The other matter which is raised as an excuse for bringing this Motion is that the Government suddenly wishes to be a very open Government. It wants the people to hear everything that is happening in the Finance Committee.

Well, this Motion does not have to be brought to do that, because the Standing Orders already provide that if it is the agreement of the majority of the committee it can be made public and none of us have expressed any concern about that whatsoever. Rightly so, because it is hardly the Backbenchers who would not want the public to hear what is brought before it or what is debated. I think the persons who should worry about that would be the Government.

For certainly some of the things that have come before Finance Committee, in the manner they have, would really say a lot to the public and they would understand what the Backbench Members of this House are up against quite often.

The argument that the Official Members need to be on the Finance Committee to fight for the monies which they require like everyone else, also does not bear weight, because the funds are, for example, in the estimates this year that fully supply the requirements under the Official Portfolios. No one tried in the Finance Committee to reduce the amounts of these Portfolios, what was put forward.

Finance and Development has at its disposal CI\$12,460,871; Legal Administration has CI\$2,186,016 and the other Portfolio, which is held by the Administrative Secretary, has at its disposal CI\$19,861,426. So that argument becomes very lame, indeed.

If one looks at the funds, the monies which were reallocated or

redistributed in the last Budget it will be clearly seen that it was monies for projects which was the brain-child of the Elected Members of the Executive Council.

The minutes of Finance Committee of the 20th December 1989, which deals with the Appropriation Bill, will clearly show that there were altogether 15 Heads of expenditure which were increased and those were increased in the proper manner. Unlike what could be gathered from what the Member for Education has said in reading various Standing Orders which say that monies cannot be increased by Members and without the approval of the Governor and so on.

It is my understanding, subject to correction, that the Governor's Executive Council comes to the Finance Committee and it is understood that his will is expressed through them in terms of increasing an amount from one Head to another. It would be impractical, if, during the course of discussion, it was found that CI\$10,000 should be moved from one Head to another to stop the meeting and to phone the Governor to find out whether that could be transferred and so on. It could mean large scale disruptions during the course of a Finance Committee meeting.

I would also point out that the Chairman, in each instance in these minutes, moved the Motion as it was set down in Standing Orders to be moved. For example, under Head 40 sub-head 8(2) the Chairman moved that the increase of CI\$45,000 to provide an ambulance service for the Eastern districts as requested by Messrs. John McLean and Roy Bodden be considered. "Question Put: Agreed that the sum of CI\$45,000 be approved."

So it would be absolutely incorrect to give the impression that in the Finance Committee meeting that took place in December, 1989, there was any question of the Finance of the Standing Orders not being followed in the manner that they should have been. The Standing Orders of course provide that any Member can move a reduction of the sums and we agreed among ourselves as Backbenchers, where that was necessary, we nominated one of our number to move that Motion rather than everybody get into it.

Similarly, the Government agreed, where it was necessary to increase a Head, that the Chairman would move for and on behalf of the Government Members.

These same minutes record that the cuts in the budget were the Jennett T, CI\$360,000, District Works CI\$630,000 (which were redistributed of course), School Access CI\$680,000, the MGTP Phase I CI\$660,000 and Land Acquisition CI\$1 million.

I am suggesting that the thing which caused the present action by the Elected Members of Executive Council was that particular meeting of Finance Committee where they did not have their way. That meeting of Finance Committee saw the will of a majority of Members voting for what happened in that committee.

I also suggest that the action of bringing this Motion came about due to another instance where the Financial Secretary, in following convention, cast his vote with the noes in a meeting on Wednesday the 7th of March, 1990, where expenditure was not voted for certain projects which had to do with the hospital and also the involvement with IHC.

I am not shooting in the dark there, because the mover of this Motion has actually said that he was inspired by that particular situation with the Finance Committee.

But the point that is being lost to a large extent is that it was the majority will of the elected representatives of the people. They were in a minority and minority does not represent democracy.

As I have pointed out, all steps and processes that had to be followed in the Finance Committee last year were followed. There was no question about it. It took five days and it went late into the night in some instances. There was never a question that they were not followed explicitly to the letter of the Standing Orders.

The question revolves around the fact that there are certain pet projects which were not put forward by the four Elected Members as a political party or as a political group during the elections. It came about after their election to Executive Council.

So why, in a similar fashion, were not the majority of the elected representatives of the people in a position to say, "Gentlemen, we disagree with you and therefore we will not vote to provide you those supplies?"

The mover of this Motion said that if the elected representatives in the majority did not like what the Government was doing we should have let them know. Well, that was done. That was done. They knew by the vote and in turn the monies were provided for supplies for other projects. So there is no question about whether they were told; they knew.

This brings me to a point that is very relevant to all that has been said in this Legislative Assembly about this Motion. The mover, the Member for Education, has said that Government had three options. They could have reconstituted Finance Committee like Lord Oxford and Asquith recommended in his report on Constitutional change. We again would have moved to a retarded position where now all Elected Members participate. The Member said it could have been moved to a position where it would have been four Elected Members and three others from the House.

He read from a section in this which speaks about the Finance Committee as being too large, an unwieldy number.

Mr. President, one would think that he was speaking about a number larger than 12. One would think that he was speaking about a number in the hundreds. For 18 years no one has found it cumbersome, but the mover was advancing what was said by the Constitutional Commissioner, trying to let that apply in the year 1990, 18 years after the words of this goodly gentlemen were written and which were rejected by the Legislative Assembly of which that Member was a Member at that time. So that is one option which even he did not choose to bring.

The other option, he said, was to bring the Motion such as he has brought now, where the Official Members will participate in the whole process. They will prepare the estimates, or have their Heads of Department prepare the estimates, they will prepare for their own Portfolio, they will sit in Executive Council and examine it, make such cuts as is considered necessary, vote on it, bring it to this Honourable House and vote for it to go to the Finance Committee, then sit in the Finance Committee and vote there on it again and then ultimately, spend it.

Mr. President, that is a process that does not exist now and should never happen. By the mere fact that the Official Members are not Elected Members they should be separated in the civil arm of the Government, in the executive arm if you will, and the political arm, the elected representatives of the people should deal with those monies.

The other option which the mover said the Executive Council had, was to resign and cause new elections. I do not know why the Member thought that cowardly. That is very democratic indeed and certainly he must be aware, and we in this House must all be aware that there is something in the Westminster system of Government which speaks about when a Government has lost its majority and has been placed in a minority position when it cannot pass its financial bills as it wishes, that is exactly what it does.

How many times has the Government in the United Kingdom changed because Members do what is termed 'cross the floor'? Certainly, the Elected Members of Executive Council do not any longer command the majority that they started with in 1988. I will not attempt to argue the whys and the wherefores, but the Government, those Elected Members admit that they do not have that majority anymore. So it is very clear then they are governing from a minority point of view. I say that is not the democratic way.

There is another thing to be borne in mind, that it would not have been cowardly because on the Backbench there were a majority of Elected Members of the people who could have replaced them on the Executive Council or the Governor, acting in his discretion and with the power which is given to him under the Constitution, could have referred the matter back to the people at a free election.

MR. PRESIDENT: If I may just comment on that. It is not within the Governor's discretion. It does not say in his discretion in the Constitution. I think you are talking about the calling of a general election, that is not within the Governor's discretion, just as a matter of clarification.

MR. GILBERT A. McLEAN: Perhaps, Mr. President, you could clarify that a bit further because I was definitely under the impression that it rests with the Governor.

MR. PRESIDENT: I do hesitate to interrupt because I am not here as Governor. But I think perhaps the Attorney General, the Second Official Member will take it up.

HON. ANTHONY S. SMELLIE: Mr. President, it is a matter that I will be happy to look into, but I think I will need a few moments to do so.

MR. GILBERT A. McLEAN: Mr. President, I thought in the Constitution under section 47(1) it says:

"(1) The Governor may at any time, by Proclamation, prorogue or dissolve the Assembly."

MR. PRESIDENT: That is entirely correct, but it does not say in the Governor's discretion. Elsewhere, in the Constitution it provides that the Governor shall consult Executive Council, unless it says otherwise, broadly speaking. I took advice on this matter at the time.

MR. GILBERT A. McLEAN: Mr. President, I am happy for your intervention there, because this matter then becomes even of greater concern to me in that the Executive Council is in a position to determine, at least to some extent, that they can hold on to power even where they have lost the majority and sit in a minority.

MR. PRESIDENT: Perhaps I might explain the legal advice I was given. Unless it says that a matter is within the Governor's discretion, broadly speaking, these matters are referred to Executive Council. I believe speaking from memory, that is section 7 or thereabouts in the Constitution. It is section 7 which provides "the Governor shall refer matters except certain matters which are specified." If it does not say in the Governor's discretion elsewhere then the Governor does refer. But the further point is the Governor is not bound to take the advice, if he so advises the Secretary of State and the Secretary of State so decides.

MR. GILBERT A. McLEAN: Thank you, Mr. President, I think this is something which stimulates the thinking of all of us and we will all have to go to have a careful look at the situation that exists in this Island in this particular respect.

MR. PRESIDENT: Perhaps we should take the break for that purpose. Proceedings are suspended for 15 minutes.

HOUSE RESUMED AT 3:55 P.M.

MR. PRESIDENT:

Proceedings are resumed.

Before the Second Elected Member for Cayman Brac and Little Cayman continues the Second Official Member would like to say a few words.

CLARIFICATION BY ACTING SECOND OFFICIAL MEMBER**HON. ANTHONY S. SMELLIE:**

Mr. President, having had an opportunity to consider the matter raised just before the last break, I am pleased to say that I can confirm the legal advice which you were given, that section 7 of the Constitution Order in Council deals with the matter and indeed requires the Governor, except subject to certain matters expressed in that section, to consult with the Executive Council in the formulation of policy and in the exercise of all powers conferred upon him by the Constitution or by any other law. The power to dissolve the Legislative Assembly by proclamation is given by section 47(1) of the Constitution. That power is not expressed to be exercised by the Governor's discretion and is therefore caught by the generality of section 7. Of course that is a separate matter from the provisions in section 47(2) which deals with the qua general dissolution of the House. That operates by the mandatory provisions of 47(2) by the fluxion of time which requires that the House be dissolved within four years of the first meeting after each general election.

You also mentioned correctly, in my view, that the Governor may decline to act on the advice of Executive Council where that advice is required by the Constitution only with the prior consent of the Secretary of State. That provision is clearly stated in the proviso to section 8(1) of the Constitution Order In Council.

So, to put the matter briefly, I think that the position you outlined earlier, in response to the matter raised by the Second Elected Member for Cayman Brac and Little Cayman, was properly stated.

Thank you.

MR. PRESIDENT:
Cayman.

The Second Elected Member for Cayman Brac and Little

MR. GILBERT A. McLEAN:

Thank you, Mr. President.

I must confess that this has been a very enlightening time for me on this particular point in the Constitution and the calling of elections in the country. I take considerable concern from the situation as has been expressed by the President and confirmed by the Second Official Member, in that, I think the position being taken by Government becomes more questionable and gives a further reason why I believe this Motion should not be pursued. For if the Executive Council is in a position that it may advise the Governor against the calling of an election, then it puts a considerable onus on itself in the interpretation of the way it should function as well as taking into account what is the public feeling on this matter and I understand that the Governor may act, but in his acting, to call an election against the advice of Executive Council would be, not to take their advice, if that is the correct paraphrase by myself.

The thing that concerns me is that the Government has lost its Backbench support that places it in a minority position. I understand, that we do not have clearly defined political parties. In fact we do not have any as such declared or registered and, therefore, there are certain limitations taken in that particular respect.

But, I would argue that there is more reason for the Government not to proceed in attempting to place itself in a position where it would improve its advantage to have its way on financial matters. The financial matters are the key to the existence of any organisation and none less, the Government.

If the Executive Council is to wish, while being in a minority position not to have an election called as would normally follow in the type of Parliamentary process that we follow as handed down by the Westminster model, then the Executive Council should reconcile itself to dealing with the matters of finance in a committee fashion where the items of expenditure are decided upon jointly among the elected representatives of the people and that due consideration is given to the majority elected representatives in this Honourable House.

I believe that that is the only way that the position that they apparently have taken can be counter balanced inasmuch as it is democratic for majority to rule.

In an excerpt from a textbook Commonwealth and Colonial Law by Sir Kenneth Roberts Wray, I note that under a section, Governor's Duty to Accept Advice, it reads:

"So long as Constitutional progress has not reached the point of ministerial responsibility the problem of defining the obligations of the Governor to act in accordance with advice does not arise; for whatever share the local inhabitants may have in the administration of the country, he remains free to disregard the opinions of his Executive Council and the general responsibility for Government is his - subject of course to the over-riding authority of the United Kingdom Government."

I think this supports the view that the Governor may act against the advice of the Executive Council. So, I would submit that in a situation such as prevails in the country and one which would also stem from the conditions of the situation brought about by this Motion that that particular point of view should be taken into account.

From the same text under Collective Responsibility, I also quote:

"So long as the Members of an Executive Council or other similar body are appointed as individuals rather than as members of a political party the Governor is not obliged to act in accordance with their advice it is impracticable to ask for acceptance of the theory of collective responsibility."

I am not attempting to dictate how the Governor should act in this particular affair, but I do believe that the public of the Cayman Islands are extremely concerned about the implications of the Motion which is before this House. This Motion demands to have the approval of the public and as I have quoted earlier, the will of the people can only be expressed through its elected representatives and through elections which are free and by secret ballot.

If the conditions on these Islands are allowed to continue, something very definite and precise needs to be done.

In my own district, it has been stated to me publicly by a member of that constituency, to the loud applause and approval of the persons assembled, that should I or my colleague, the First Elected representative, not comply with their wishes it was the opinion expressed that there would be no alternative than for them to ask for our resignation. I say that because this matter has taken on a degree of grave concern in this country.

This morning I had occasion to speak with a former member of this Assembly, a Member of Executive Council for Cayman Brac, on the situation as it exists. He stated to me his grave concern on the matter, both as a former member of that district and also as a businessman. I may say that he is one of the biggest in the country. It appears to me from that conversation and others I have had with persons from the business community that they are disturbed about this particular Motion and its implications.

Most of the investors in the Cayman Islands I believe, are persons from the United States, Canada and the United Kingdom and they are very familiar with the workings of Government which work under the democratic process and they are well aware of the question of finances as they exist in the various Parliaments.

In the United States for example, it is well known that the President may propose a budget but he expects that that is going to be chopped and redone, particularly in a Congress which has the majority from the other party. So it is accepted and understood that it is a process of negotiation.

Thus, I believe that rather than the Government at this time pursuing this particular action which brings into question certain fundamental concepts of democracy and in particular the levying of taxes or the authorisation of national monies, that the Government take a serious look particularly that it claims it wishes to have cooperation from among the membership of this House that it seriously looks at arriving at a budget or at monies which evolve out of a majority negotiated position.

I would point out also in that respect, for as much as there are those in this Assembly who would say that protest from the people means nothing, I think one should take into account that some of the cries that one hears, some of the placards that one sees, and all the rest of it, speak about the election process and that the people should have the right of an election process.

This Motion spearheads and brings to a head, I think, a very critical position that this country is in at this time.

Again, I would wish to emphasise that I personally saw no wrong in the way the budget, was arrived at, for the 1990 Budget. It was a negotiated budget, and I would also point out that in the elections of 1988, there were no distinct party politics played here, and there was no national platform which included the projects which the Members have now chosen to bring to the House to have funded and were not allotted the monies that were requested.

So as I was commenting on the statements made by the mover of this Motion on the three options, I say that I believe it would have been most retrogressive to have reduced the number of persons on the Finance Committee as was commented upon by the Constitutional Commissioner. I certainly disagree most vehemently with the idea that is being proposed by this Motion and that the option which was open to the Executive Council of returning to the people from whom a mandate was received was one which could have been pursued.

To comment on the situation that happened in Cayman Brac as was referred to by the mover of the Motion and also by the Member for Communication, I wish to state here that that meeting was one, in my opinion, that made very clear to the Members of Executive Council that it was not an assembly approving of the matters which were being put before them.

There were placards inside the Aston Rutty Centre and it was made quite clear that they were protesting the very situation which the Members were advocating.

I do not agree with the Member for Communication that there were no questions asked and so on. Questions were asked, but I do not think that time was allotted for them to be properly answered, and in fact, the Member raised a question of a quorum of seven that was directed to him, and he did not, in my opinion, favourably answer that and that was one of the main concerns expressed at that particular meeting.

It is not sufficient to say that the Financial Secretary would not be removed to a position less than he now has as Chairman of the Finance Committee, if indeed this Motion should carry.

It is not good enough to say that all the Governor need do is absent himself. I think that is if anything, derogatory of the position. The question is to be or not to be? It cannot be anything in between.

As for the argument that this Motion is to correct an anomaly, that is so far outside of the logic of the whole process, the whole democratic process of the voting of funds in our system of Government, that it bears no weight whatsoever.

It is not an anomaly, I contend. It was something deliberately and specifically done for the reason that the whole idea was to separate the political arm, the elected representatives of the people from the Civil Service arm. It was intended, it is no anomaly. It is not some oversight that came about, it was deliberately done and the whole intention was for it to be exactly as it presently exists.

Again, I believe that it is inherently wrong for a situation to be caused whereby three persons (who do not have to face the polls and have not faced the polls), who in themselves, may disagree with the situation because they do not have the same onus of duty, or requirement of the people on their shoulders, to satisfy the public desire by being elected on a political platform by offering certain objectives to the people in an election. To include those persons under collective responsibility to achieve a position where the Government can govern from a minority point of view is unacceptable and undesirable in this country.

It is retrogressive, it goes backwards, and it does not take the country forward in any form of political development and that is what we should be striving for.

It is objected to by the people of this country. They have shown their objections unmistakably and it is not the case that the Backbenchers of this House (who are no magicians), have gone out there and told the people, 'come forth and protest'. They understand the implications. They understand what it is about. One cannot apply the 'not understanding' to the lawyers, to the accountants to all the other persons there, who are professionals as we are in here.

For example, the Chamber of Commerce, and I think most persons in this country welcome having these meetings publicly aired. I have no problem with that and by the vote on this Motion or a part of this Motion, it proves that there is no problem with this matter being discussed publicly. There is a problem with the minority attempting to seize a majority through a manoeuvre such as there is implied in this Motion.

May I say again that I object to this Motion being passed. I object to the Motion to reject the Report of the Standing Orders Committee. I object to the change being made in Finance Committee as is proposed in this Motion and I firmly and sincerely believe that I state what I have on behalf of the people who elected me and indeed I think I expressed the sentiments of the public at large in the Cayman Islands.

Thank you, Mr. President.

MR. PRESIDENT:

There is only about five minutes left to the end of the normal proceedings, would Members wish to suspend now?

HON. THOMAS C. JEFFERSON:
o'clock tomorrow morning.

Mr. President, I move the adjournment of this House until 10:00

QUESTION PUT: AGREED.

**AT 4:25 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,
WEDNESDAY, 20TH JUNE, 1990.**