

**WEDNESDAY
20TH JUNE, 1990
10:10 A.M.**

MR. PRESIDENT:
Cayman.

Prayers by the First Elected Member for Cayman Brac and Little

PRAYERS

CAPT. MABRY S. KIRKCONNEL:

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 we may be enabled faithfully to perform the responsible duties of our high office.

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

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

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

ANNOUNCEMENT BY THE PRESIDING OFFICER - APOLOGIES

MR. PRESIDENT:

Proceedings of the House are resumed.

who is unable to be present this morning.

We have an apology from the Elected Member from East End

Government Business, Bills, First Reading.

GOVERNMENT BUSINESS

**BILLS
FIRST READING**

THE MOTOR VEHICLE INSURANCE (THIRD PARTY RISKS) BILL, 1990

CLERK: The Motor Vehicle Insurance (Third Party Risks) Bill, 1990.

MR. PRESIDENT:

A Bill entitled the Motor Vehicle Insurance (Third Party Risks) Bill, 1990, is deemed to have been read a first time and is set down for Second Reading.

MOTIONS

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

MR. PRESIDENT:

Motions. Continuation of the debate on the Motion to reject the Report of the Standing Select Committee on Standing Orders.

The Honourable Member for Tourism Aviation and Trade.

HON. W. NORMAN BODDEN:

Mr. President, I have listened to the debate on this Motion in total disbelief, that sometimes bordered on disgust, as attempts were made to heap ridicule on the Elected Members of Executive Council and as far-fetched suppositions and hypothetical cases were used to support arguments from the Backbench against Government Motion No. 3/90.

I, of course, rise to support the Motion that the Standing Orders Committee Report be rejected and that the will of the House, as expressed in its acceptance of Government Motion No. 3/90 stand, so that the Members of Finance Committee will include all Members of this Legislative Assembly.

MR. W. McKEEVA BUSH: On a Point of Order, Mr. President. The Member is saying that he is supporting. Are we not debating the rejection only?

MR. PRESIDENT: I am sorry, I do not quite follow the Point of Order.

MR. W. McKEEVA BUSH: The Member is saying that he is debating the Motion to put the original Motion into action, as it were. Am I not to understand that we are debating just the rejection only?

HON. W. NORMAN BODDEN: Mr. President, I think my words were, and I believe that I have been here long enough to understand what is on the floor of the House. I said, "I, of course, rise to support the Motion that the Standing Orders Committee Report be rejected." I went on to say, which was really expanding on that and referring to what took place previously, "that the will of the House, as was expressed in its acceptance of Government Motion 3/90 stand, so that the Members of Finance Committee include all Members of the Legislative Assembly."

MR. W. McKEEVA BUSH: Just for clarity's sake, Sir,....

MR. PRESIDENT: I really think we should not interrupt Members speaking unless there is a really valid Point of Order, please.

MR. W. McKEEVA BUSH: Mr. President, I was seeking clarity.

MR. PRESIDENT: You said, a Point of Order, initially.

MR. W. McKEEVA BUSH: For clarity.

MR. PRESIDENT: That is not a Point of Order!
Please continue.

HON. W. NORMAN BODDEN: Thank you, Mr. President.
Before continuing I must congratulate the Honourable Member for Education on his able presentation to this House. I believe that even the greatest critics will acknowledge that the presentation has been very capably done.

I actually have never ceased to be amazed at the many different versions and the many varying views that can be expressed as a debate, on any subject, develops. It is also of interest to note the oratorical skills that are applied to convince the listening public of the validity of one's arguments.

Then, there are the facts of the case to be considered which I will be dealing with. Separate from all the rhetoric and uproar, I have heard two views expressed as to why Government's proposal to change the composition of Finance Committee by adding the three Official Members with full voting rights, is not being supported by some people.

You know, I accept this as each individual's democratic right to freely express his views and I pray to God that that right of freedom of speech and expression or view point will always be preserved and protected in our land. But when I recall the behaviour I witnessed, both in and out of this Legislative Assembly on Monday the 11th of June, I had to wonder if this basic human right was being ignored or forgotten.

While I respect the public's right to orderly protest, what I find totally unacceptable and unpalatable is the extreme that some people will go to in order to have their way.

The recklessness and total disregard for this country as a peace-loving Crown colony of the United Kingdom, the two prime qualities that have brought us success, thus far. But just let me say that as far as I am concerned, any attempts at intimidation only strengthens my determination. One must bear in mind that in the process of democracy, my rights of choice and freedom of expression are neither forfeited nor forbidden.

While some actions that Government must take might not always be entirely popular with everyone and to some extent may even be unpleasant, I have a will and a right to exercise an equal determination to take my stand and a responsibility to do what I sincerely believe to be necessary for the handling of Government business in an effective and efficient manner and, therefore, in the better interests of the Cayman Islands as a whole.

It is being claimed by some people, many of whom never ever supported this Government in any event, but the claim is being made that no change should be made because the present arrangement in Finance Committee has worked well, I believe since 1972.

Well, the quick and clear answers are firstly, that the arrangement as it presently stands regarding membership in Finance Committee, is not working well. It has not worked well since shortly after the 1988 election when some opposition Members realised that they could join forces and gang up against Government in order to have their way.

Secondly, that the seven Members of Government, that is the four Elected Members plus the three Official Members, will be able to pass any Law it so chooses and to do whatever Government pleases with financial matters, I suppose specifically in regard to Government spending.

Thirdly, it is not in the interest of this country for this situation to be left as it is. As regards to seven Members being able to pass any measure in the House or in Finance Committee for that matter, this has always been the case, because seven Members have always been the quorum for a meeting in Finance Committee or in this Legislative Assembly.

I consider that this is a significant provision, well designed by the architects of our Constitution, and in my opinion, actually strengthens the reasons why the three Official Members should be included in Finance Committee under our system.

Furthermore, the seven Government Members will only be able to do as they please, if, and only if, the Backbenchers absent themselves from meetings and abdicate their responsibility to the people.

I hear them calling for resignations. I believe this tune has been sung since August 1989. Well, you know something, resignation is of course open to them too. Not only to the Elected Members of Executive Council.

But if the seven Backbenchers continue to participate in proceedings as they were elected to do, they will still have their say, they will still have the role of the Opposition to fill. To the best of my knowledge, in any civilised and democratic country, the role of the Opposition, as I understand it, is to be the watchdog of Government. But not for the Opposition to be able to put Government on a leash, as it were, to take them for a walk as they wish in order to give them a little more freedom, or tie them up when the Opposition sees fit.

It appears to me that this is what the present Opposition Members, the seven Backbenchers in this House, think that they should be allowed to do rather than to fill their role by working to influence Government policies and action through logic and debate and arguments with facts that can be substantiated.

I accept my role as an Elected Member of Executive Council and they must accept theirs and learn to wait until, and if they are again, Elected Members of Executive Council. They cannot now expect to dictate, they just have to wait.

You know, the four years that I served on the Backbench in this House, 1980 to 1984, was a good experience for me, one that I will never forget. And I distinctly recall that during those days, and I am certain that the public will remember them as well, when the three Members who now sit as Backbenchers were Members of Executive Council, one could hardly ask a question in this House without being insulted. The few Members of us who formed the Opposition in those days had no say. We were ignored completely and any Motion we brought to this House in the interest of the people, was turned down flat by the Government of the day.

Many times the Official Members would say to me privately, "Boy, you know we wish we could help you but we are bound by collective responsibility." Well collective responsibility is still in effect today.

Some of them have the nerve to say that what we wanted were extension cords. Mr. President, those were the days when the words "extension cord" were coined. We did not expect to go back to those days. Yes, when three of the Members who today sit on the Backbench were occupying these seats on this side of the House one could not open one's mouth. They then expected to be in control, they called the shots, I suppose, as they rightly should, so how can they now claim that we, as the Elected Members of Government, should expect any less?

Believe me, I am by no means an arrogant person. However, I am still not too modest to say, that if I am charged with the responsibility, then I must have the authority. In my view there are definitely two distinct roles between the Executive Arm of Government and the ordinary Members of the Legislative Assembly.

If these roles were rightly recognised, accepted and respected in accordance with what was intended under our Constitution, then very definitely, we would not be here today debating this Motion.

This is the only logical and reasonable way that any Government can be expected to operate and function, because quite clearly, if individuals who opposed you during an election campaign, and who continue to oppose you in the Legislative Assembly, if they are allowed to dictate Government policy, their only aim is to naturally hamper Government. Their sole objective is to make Government look bad by intentionally bogging down worthwhile programmes and projects because they have the upper hand. Then out of the other side of their mouths they can say to the public, "See what I tell you, Government is ineffective. Your Government is doing nothing and we have to get rid of that group."

No one in their right mind could expect that this was ever intended to be the case, simply because it goes against all logic and reason.

The way that it is intended for Government to be able to operate, as far as I am concerned, is clearly set out in section 31(1) of the Cayman Islands Constitution which I believe was read before by previous speakers. I would just like to repeat the words, an excerpt from 31(1) which says:

"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."

I maintain that this is the whole crux of the matter. Whenever Standing Orders cannot achieve this, then they need to be reviewed and revised accordingly. The Standing Orders, which set the rules by which the House conducts its business, have been changed many times before. They are not written in stone and I am sure that flexibility in this regard has always been provided so that necessary changes can be made. I cannot think of any time in our history when it has been more necessary or more important for a change to be made than the present.

One Member has said that the public will remember when 1992 comes. Yes, I am certain that they will remember and that remembrance will apply to all of us, both the Elected Members of Executive Council as well as the Backbenchers. But I am equally certain that neither will the public forget the years leading up to 1984 and that they will not want this country to return to them ever again either.

Today we have a country whose high quality development is an example to many other Caribbean countries, if not the entire world, and a Government whose responsibility and sound policies have helped to bring continuing success to these Islands. This can continue to be the case for the indefinite future, if political stability is maintained.

In spite of all the incorrect information, such as if this Motion is passed, Government will be able to take people's land and my colleague from George Town referred specifically to that in his contribution to the debate. Also, that Government will be increasing import duty on cars.

Do you know the petition that is going around which is full of inaccuracies? I overheard one of the persons in our community who was taking this petition around in a supermarket recently tell a member of the public, "If you sign this petition Government will not be able to increase the import duty on cars, like they plan to do." That is an example.

In spite of all these false reports which have been spread against Government, the people in George Town, the people who elected me to this House, as well as from other parts of our Islands who have called me, have told me that they support Government's position and that I must stand my ground and I can tell you that I intend to do.

One Member claims that the masses and the majority are against the Motion. I do not accept that any of us are in the unique position to stand up and pretend to speak for the entire population of these Islands, for there will always be those for and those against, in any matter. We can only speak of our own knowledge and experience, and express an opinion and one can be just as valid as the other.

Now many comments have been made about the fact that Cayman Brac and Little Cayman do not presently have an Elected Member sitting on Executive Council. I believe that this is being highlighted to influence the position of the First Elected Member for Cayman Brac. But you know the good thing about our country, it is small and they know me and they remember for me, but I know them and I remember for them too.

I have a good memory and if the truth is told, many who are today claiming that Cayman Brac and Little Cayman should have an Elected Member on Executive Council have helped to set the precedent, and were instrumental in Cayman Brac and Little Cayman not having an Elected Member on Executive Council for a similar term, 1980 to 1984. In those days I sat as a Backbench Member and cast my vote for the Member for Cayman Brac and Little Cayman to be elected to Executive Council, but he was not successful.

But since when has this become so all-embracing and important to them? As was rightly pointed out, our sister Islands have however not suffered any neglect because of this. They have very rightly been well looked after which they are entitled to.

The Motion proposes that the proceedings of Finance Committee be held in public. This has been generally accepted which I am pleased to see. I have to differ, however, with the Second Elected Member for Cayman Brac and Little Cayman when he said, "Government should be more concerned about the Backbench holding the proceedings of Finance Committee in public," words to that effect.

Ever since I have been a Member of Executive Council I do not recall any instance when this would have been the case and I consider that statement most unfair, misleading and certainly borders on imputing improper behaviour on the part of Government. Just let me say this, that I believe that this Government, in all of its dealings, can stand up to any public scrutiny that any other Member of this House can.

The Motion further proposes that all Members of the Legislative Assembly be Members of Finance Committee, a change which I believe is timely and necessary. While there is admittedly some opposition to this part of the Motion, let me say from the outset that as I see the situation, it is either that this change in Standing Orders be made or an early election be held. I have chosen to support the first route for Government to take because based on all indications I received from my supporters and even from some Backbenchers themselves in November last year every effort should be made to avoid a general election being called before 1992.

I can tell you that at the time what was being said around the Island was that His Excellency the Governor wanted to call a general election and the people who approached me said, "I hope that you are not going to let him have his way with this." That was what was being said, Mr. President. Nobody wanted one then. It obviously was the view at that time and I still believe that this stands true today, that a premature general election would cause more widespread disruption. It would give the country more of an unstable image and would be more costly to the country, so I chose to cast my vote in favour of this Motion.

The debate surrounding the Motion has certainly brought the three Official Members into the limelight and much discussion has been centered around their existence; what role was or was not intended for them. But as the Mover of the substantive Motion said in his presentation, you

certainly cannot acknowledge them only when it suits the occasion and then conveniently ignore them at other times.

Much has also been said about their accountability. This has been brought into question time and time again. It is true that they are not Elected Members, but certainly no one can dispute the fact that the Cayman Islands Constitution provides for the three Official Members as full and proper Members of this Legislative Assembly and full and proper Members of Executive Council.

The three Official Members are part and parcel of Government's budgetary process. They prepare and submit budgets to cover their Portfolio expenses. They need supplementary expenditure from time to time. They are part of the decision-making process that allows the budget to be sent to the Legislative Assembly. As Members of Executive Council they are part of that process. They can, and often do, debate the Budget Address in the House. They also vote on the Third Reading on the Appropriation Bill in the House which actually authorises the spending of Government funds.

Therefore, the only missing link is their actual physical presence and attendance in Finance Committee's discussion and scrutiny of the budget which they have been involved in at every other stage.

So what is the argument all about, Mr. President? There is no reason in my mind why these three Members should not have to speak for their Portfolio needs and expenses the same as I have. I have to wonder, in all that has come out in the debate, are some Backbenchers now saying that there should be a Constitutional change that would remove Official Members from this Legislative Assembly and their subjects be then transferred to Elected Members since it is being argued that the Official Members are not accountable to the public?

If this should ever take place, everyone knows what would follow, the road to independence politically, but the downfall of our economic well-being.

While some advance will undoubtedly come sometime in the future, God forbid that we should ever head in that direction. I say a thousand times, no.

The Official Members are an integral part of our system of Government and as far as their accountability is concerned as well. I see them as being accountable in three specific ways. Firstly, they are accountable to His Excellency the Governor; secondly, they are accountable to Executive Council; and thirdly, they are fully accountable to this Legislative Assembly.

If the public is ever displeased or if they ever disapprove of the conduct or performance of any Official Members, they may make representation to His Excellency the Governor, making specific complaints and grievances known.

Furthermore, the work of Official Members is subject to the same scrutiny as the work of an Elected Member of Executive Council for which there are adequate safeguards in place to ensure public accountability for all Members of Council.

In the case of the Third Official Member, the Honourable Administrative Secretary, to the best of my knowledge, and it is my understanding, (I do not believe any changes have been made), he meets with members of the public in Cayman Brac and Little Cayman during his Official visits, which as I see it, is a form of accountability to the public.

So I trust that any doubt that has been cast in this area will be totally disregarded. The addition of two Official Members, as pointed out, will not create any high level of imbalance in Government's favour. As I said previously, there is still the eight to seven ratio, eight Backbenchers and seven Members of Government. It can be seen by anyone that Government will still require Backbench support to put through its measures.

This is not any move that would create or cause any instability in this country and in my view there was no need for the upheaval that some people have tried to create. But I tell you what will create instability and uncertainty in the minds of investors is the untimely removal of a duly elected and established Government, not a change in the Membership of Finance Committee.

With the exception of the First Elected Member for Cayman Brac and Little Cayman, the Backbenchers have been calling for the resignation of the Elected Members of Council and having a lot to say about minority Government and what should be done and what should not be done.

But they know very well that this too is provided for in our Constitution. Anytime they can muster the required two-thirds majority they can do something about it and it is my opinion that if they could have, they would have. Now, they call for resignations, so that they can take over.

This would be totally against the mandate from the people in the 1988 election. I have to ask where do they think this is? A banana republic? Or some place like Italy where they change Governments as one changes his shirts?

I can only say that I have no intention or reason to resign. Sure, there are seven Backbenchers who do not want us here, but there are still many right-thinking Caymanians who expect us to stay and do what we were elected to do, that is to stand for what we believe is best for the country and to do whatever is necessary to enable Government to handle its affairs and conduct its business in an acceptable and orderly fashion.

Let me say again, I refuse to allow anyone to discourage or deter me in this regard.

Now, many times during the debate, reference was made to the recent Commonwealth Parliamentary Association Seminar and what the Resource Speakers had to say. In listening, I have to wonder if we are using the same reference paper? Because, to quote from the one I have, I see where the Honourable St. Clair Daniels said, and I quote:

"I think if it is a matter of the composition" (that is referring to Finance Committee), "well, in St. Lucia the Standing Finance Committee comprises all the Members of the House. It is presided over by the Speaker, but it could be presided over by the Minister for Finance."

In another section of that paper he had this to say:

"So the specific answer to your question is that in our case they go to the entire Membership of the House which forms the Standing Committee on Finance."

It is obvious, for each country to decide what is best for each individual country's needs. In our own case I consider that it is best for Finance Committee to be comprised of the entire Membership of this Legislative Assembly.

Committee do anyway?

Now, some people have been asking me what does Finance

Finance Committee is a committee that normally meets five to six times a year to deal with the budget and supplementary expenditure not covered by the budget. I must make it clear that it does not impose taxes, it has nothing whatsoever to do with the revenue earning measures being introduced, and I must make this point emphatically, because I believe that one of the speakers yesterday inferred that Finance Committee could levy taxes. This is not the case. This is not the function of Finance Committee, it never has been. Revenue earning measures are dealt with by the Whole House and Finance Committee deals only with the country's expenditure.

I would also like to take this opportunity to point out, as other speakers have from this side of the House that the checks and balances and the established procedure in Finance Committee remain the same as at present, since Standing Orders 63 through 68 are not being changed. This has been made abundantly clear.

Now it is also being said that the First Elected Member for Cayman Brac and Little Cayman is going to become too powerful. You know, on examination I have to think it is the same measure, the same amount of power used when that Honourable Member chooses, in his own right, to vote with the Backbench and Government is defeated.

You know, when that happens nobody from this side of the House has threatened his life. But you know what? When the shoe is on the other foot, nothing is said. I believe that the First Elected Member for Cayman Brac and Little Cayman is wise enough and interested enough in his country to know that power is like fire, a good servant but a bad master.

His record speaks for itself and I believe and I am convinced that he will continue to do as he always has, he will cast his vote as he sees fit. His conscience will undoubtedly continue to be his guide and I say to him, "Let no one, through misbehaviour or sarcasm, deny you of that democratic right."

These days you hear a lot about petitions. It reminds me of the days of the Mutual Legal Assistance Treaty and prior to that, the Development Plan. You hear a lot about petitions and what the masses want, where the majority stands. But at the Member's request, at least, that is the First Elected Member for Cayman Brac and Little Cayman, I would like to read a well-written letter which was handed to him in Cayman Brac by some of his supporters on June the 11th before he travelled to Grand Cayman for the meeting of Legislative Assembly that day.

I understand from him that it was his intention to read it himself during his contribution to the debate but it was misplaced amongst his other papers. I quote:

"Supporting Constituents

June 10, 1990
 Captain Mabry Kirkconnell
 First Elected Member of Cayman Brac

We have known you for many years and we clearly understand what you believe in. Your motto, 'Country Before Self' stands tall and strong among your constituents and in making this decision, this motto will again hold true.

One thought we would like for you to carry with you throughout the sitting of the Legislative Assembly is, that the captain of the ship sometimes has to go against the owners' wishes and turn back or in some way alter course because he believes the ship cannot weather the storm.

Only after the ship reaches its destination safely does the owners of the said vessel accept the decision made by the captain.

Come 1992 we feel confident the owners will accept your decision and truly see the meaning of your motto 'Country Before Self'.

May God's blessing be with you.

Your supportive constituents."

That is the letter that was handed to the First Elected Member for Cayman Brac and Little Cayman on Monday June 11th.

The proposed change in the number of Members of Finance Committee was not brought by Government with any bad intentions towards anyone.

As has been repeatedly explained, it is only seen as necessary to ensure the better and smoother operation of Government business to the extent possible, that is.

Much discussion has also been centered around the role of the Honourable Financial Secretary under the proposed arrangement of Finance Committee. Many wild claims and accusations have been made that this is down-grading the position of the Financial Secretary and giving more power to His Excellency the Governor. I feel that this assessment is most unfortunate and unfair. There is no contest, no taking of sides between the Governor and the Financial Secretary and every Member who has referred to the Constitution and who has read from sections of it, have only further emphasised the point, that the Governor holds all the power he needs to run this country as it should be run, just as long as we remain a Crown colony.

His Excellency the Governor certainly does not need anymore power, nor is he, I am sure, seeking anymore power or work. It should be made clear that it just so happens that at the present time he is the Speaker of this House and as the Speaker he would Chair Finance Committee, as he now does in all other proceedings of this Legislative Assembly.

However, if and when the time comes that there is a Caymanian Speaker of the House, then that person would Chair Finance Committee proceedings, not his Excellency the Governor.

I can therefore only conclude that the claim of a demotion for the Honourable Financial Secretary and a promotion for the Governor is nothing more than a red herring drawn across the minds of the public to divert the public's attention away from the real issue at hand, which is the inherent right of a democratically elected Government under our system, to conduct its affairs in an orderly fashion and an Opposition that wants to rule before time and which wants authority without responsibility.

I have to keep referring to our present system and reminding myself and the listening public that we are operating under the present system provided for under our Constitution because it appears to me that some Members from the other side seem to be groping for some other system to replace the one we have.

As I understand the Motion, it has no adverse effect whatsoever on the Financial Secretary's full duties and responsibilities for the finances of this country. He remains the same controller, the same person and holder of the purse-strings of the Cayman Islands.

Under the proposed arrangement the Financial Secretary would have a full vote which he does not now have. As the Leader of Government business, what I envisage is that he would still introduce and guide the proceedings in Finance Committee which is held publicly. He would certainly be placed in a stronger position to speak for and defend the funds needed for his Portfolio.

Under the new arrangement the Financial Secretary will be able to refer any matter to Finance Committee which he does not now have a right to do.

Thirdly, by being able to refer matters himself, this would seem to me to facilitate the calling of a meeting of Finance Committee as he sees fit and seems to bring a smoother flow into procedures that can be followed.

I must also say that we should not just focus on the personalities presently involved but rather on the system and how it works best for the Cayman Islands.

Mr. President, it must be obvious to all who will admit it, I have to say again, that the present arrangement in Finance Committee is not working well and it needs to be changed.

It is true, and I know that some of the Backbenchers will tell me about this, so I believe that I should get my oar in first. It is true that in dealing with the budget in December 1989, the Backbenchers were kind to my Portfolio's needs for funds to cover expenditure for the Tourism and Cayman Airways subsidy. I appreciate that.

But I have to also ask is this really the fashion in which I am expected to exist and operate the affairs of the Portfolio and the subjects assigned to my responsibility by His Excellency the Governor?

After I have spent days and weeks with the Heads of Departments of my Portfolio and the Principal Secretary going through and reviewing and revising the budget for recurrent expenditure for Capital Projects and for New Services and cutting back and saying to them, "These items are desirable but we cannot afford this or we cannot afford that at this time, it will have to wait." Cutting expenses many times to the bare bone, I call it, then taking it back to the Financial Secretary and my other colleagues in Executive Council and once again reviewing and revising and arguing time and time again. And the Financial Secretary sometimes shaking his head and asking, "Where is all this money going to come from, fellows?" Until we finally reach the stage when the budget is balanced, it is then taken to a formal meeting of Executive Council for forwarding to the Legislative Assembly for presentation by the Financial Secretary to the Legislative Assembly, then to Finance Committee and back to the House for the third reading and formal approval.

But after having gone through this entire exercise and process of getting my Portfolio's budget to Finance Committee, am I then expected to exist, under a cloud of threats from Backbenchers that when they get into Finance Committee and have the upper hand, they keep reminding you that if you are not a good boy, what your fate will be.

I just cannot believe that this was ever intended or envisaged as

the way Standing Orders would work or Finance Committee would conduct its affairs, or Government would proceed with business.

As I have said before, I appreciated the Backbenchers support in December for items for the Portfolio of Tourism Aviation and Trade, but I am sure that you, as well as the listening public, will recall the many threats made from the floor of this House as well as public forums especially in regards to the Cayman Airways subsidy which actually funds the Inter-Island service. "Not one red cent," was the loud refrain.

I have to admit and I can say here publicly, I had of course made up my mind that if the Tourism Budget had been reduced any further and had the Cayman Airways subsidy, which has been granted every year, been refused, then I would be left with no other alternative but to take my case to the public and explain that I could not continue in this untenable position.

But I did come out all right, fortunately and I was pleased with that, Mr. President, because I sincerely believe that Tourism and Cayman Airways are far too important to this country to be held as political pawns.

It is a fact that what took place in Finance Committee in December last year in dealing with the 1990 Budget, was the worse I have ever witnessed in the 10 years I have had the privilege of serving as a Member of this Honourable House. The Honourable Financial Secretary as Chairman and I must say here (with the help of the Third Elected Member for George Town), did an excellent job of helping with negotiations back and forth between the two sides and the cutting and constant changes back and forth, were enough to drive a Philadelphia lawyer out of his mind, to use a Caymanian expression. I do not know why a Philadelphia lawyer is supposed to be smarter than other lawyers, but this is what I grew up hearing from my people.

But Government came out of that squabble by agreeing, giving in to Backbenchers many times and finally, settled the budget in some kind of fashion. This was done in the interest of the country, it was done to avoid further confrontation and, it was done in a genuine attempt on the part of Government to avoid an early general election which we did not, and still do not feel, will be in the best interest of the Cayman Islands.

But there is no denying that in that budget process which I have just described there can be no doubt whatsoever that there was a scuttling of several Government programmes to fund some district projects at the sacrifice of important national needs which the entire country would benefit from. And while I agree that not all Government programmes can be carried out immediately or accomplished overnight, I know that grandiose schemes are what they have been dubbed, but I do not claim that this is so. I maintain that the programmes put forward are necessary and if it takes five, 10, 20 or even 50 years to complete, based on the availability of funds, the country would be set on a sound course of developing a better infrastructure - that is roads, hospitals, post office facilities and other services to a proper plan rather than in an ad hoc fashion.

I must add that furthermore many of these programmes will have to be eventually faced by some Government, some time down the road. This cannot be escaped or avoided, or postponed indefinitely.

I have to say in closing, that Backbenchers will naturally oppose the slightest semblance of any reduction of their control of Finance Committee which I do not believe was ever intended to be the case. Otherwise, as I stated previously, Government can be unreasonably hampered in directing its programmes and properly planning its progress.

As I see it, all that the change in Standing Orders would accomplish is to enable Government to put forward its budget and supplementary expenditure with a slightly stronger degree of confidence, than it presently has, but still needing Backbench support to succeed.

Therefore, I will cast my vote with Government in supporting that the Standing Order Report be rejected, and that the will of the House prevail in that, as provided for in Government Motion 3/90, Finance Committee be comprised of all Members of this Honourable House.

In closing, I will use a few lines of poetry as well and it reads as follows:

"I have to live with myself
And I want to be fit for myself to know
I do not want to stand
With the setting sun
And blame myself
For things I have done
Whatever happens
I want to be self-respecting
And conscience free."

Thank you, Mr. President.

MR. PRESIDENT:

Proceedings are suspended for 15 minutes.

AT 11:20 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:46 A.M.

MR. PRESIDENT:
the continuing debate on this Motion?

Proceedings are resumed, would any Member wish to speak on

The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.:

Thank you, Mr. President.

I rise to offer my staunch opposition to the Motion which is before us calling for the rejection of the Report of the Standing Orders Committee on Motion No. 3/90.

There are reasons for voting against the major provision in Government Motion No. 3/90, calling for the reconstitution of Finance Committee consisting not only of the twelve Elected Members, but the Members of the House as a Whole, which includes the three Official Members.

Our first reason for rejecting this idea is that it is undemocratic as it ignores the historic right of the people to have their duly elected representatives vote on the peoples funds, or public funds. The other reason why we oppose the resolution is that we see it as an attempt by a minority of Elected Members on Executive Council to seize the power from the majority of elected representatives of the people, by entrapping or catching the Official Members under collective responsibility.

What is important, is the fact that the three Official Members are civil servants and it was never the intention that the Civil Service and the political arm of Government be combined in any democratic society specifically for the purpose of seizing control over the right of the public funds of any democratic society. This has always been an inherent right of the elected representatives of the people and this right, at this stage, should not be tampered with.

I feel that the four Elected Members of Executive Council have not recognised what has happened. We, in this country, have always been a part of the Westminster form of Government, which calls for rule by a majority of the people's elected representatives.

Any government, not necessarily the Cayman Islands Government, any government who adheres to these principles or finds themselves in the position where they no longer can combine that majority has a responsibility to the people to step down, and let the people then choose from that point on who will lead them. This has not happened and I wonder why? These staunch supporters of democracy, political and economic stability and all the other things that they claim to represent that are good, why are they attempting at this stage to hold on to leadership, when they have lost both the ability and the will to lead? I think it is wrong for them at this stage to say yes, we are going to remain in power and the way to do that is to grab these three civil servants and promote them, according to their arguments, to the position of having a vote in Finance Committee. I wonder why?

For the argument to be put forward (I heard the Member for Tourism talking about listening and being sick or upset at what has been said), I mean for them to stand and say that this move does not demote the Financial Secretary, but in essence is a promotion, leaves me to wonder. I thought it was very adequately illustrated yesterday, by the Second Elected Member for the Sister Islands in his contribution. How can you replace a man as captain and put him as mess boy or one of the other officers of the crew and say you have not demoted him?

Under the present system, the Finance Committee consists of the twelve Elected Members with the Financial Secretary as Chairman having only a casting vote. I think that is the way that it should be. The Financial Secretary is responsible for Finance, but the Elected Members of the House, who are the people's representatives, should have sole responsibility for voting public funds. Once that is done, we take into consideration in Finance Committee the recommendations of the Financial Secretary as far as expenditures are concerned, and I think we have been very fortunate in this country. We have had two gentlemen hold the position of Financial Secretary and I think we, as a people, can be justly proud of the sterling job that they have done in managing the financial affairs of this country.

They should never find themselves in the position because they are civil servants, they do not answer to the people every four years, like we do. They should be in a position where they make recommendations but the people's representatives should be in a position where they say, "Yes, we will support this," or "No, we will not support it." That is the basic inherent principle upon which our democratic form of Government has been established.

Much has been said about a general election in this country. Much has been said that the Backbench wants to seize control of the leadership of this country. I think any politician who claims not to have the aspiration to leadership is probably in the wrong business. But, after November 23rd, 1988, we on the Backbench accepted the position that we did not have the minimum seven votes which were necessary to elect us in Executive Council. We were prepared to keep Government in line as any good Opposition should do, but wait our turn because we recognised it was just a matter of time.

The present position has not been brought on or to the forefront, by the Backbench. The present position was brought on by the four Elected Members of Executive Council themselves. I think personally, that the people of this country would have welcomed a general election at the stage when they lost their majority, rather than to continue to be faced with the position that we are faced with in this country at the present time - uncertainty.

The Member for Education, I thought, put up the best argument in support of our position of any of the Members on that side who spoke. He was concerned with stability, that the banks could run overnight, that we could find ourselves back to the days of breadfruit and all the other things we had to resort to in the early days, before the advent of banking and tourism in this country.

But he failed to recognise that his action and the action of Executive Council which we are now faced with will damage that stability that he talks about.

Not us, we did not bring Motion No. 3/90. This is a Government

Motion. But, you know, what they have failed to recognise is that the days of extension cords have long passed. They have to deal with professionals who are qualified, who have been successful in their own right and who have been elected by the people to come here and represent them. Their argument about being obstructionists, the track record speaks for itself. When the Backbench, including the First Elected Member for Cayman Brac, felt that the issue that was being brought by Government was in the best interest of the people and the welfare of this country, we have always supported it. That is not the issue, the issue is and I must add, the same First Elected Member for Cayman Brac and Little Cayman also opposed the major issues that the Backbench has stood against in this Parliament. The two most outstanding ones being the Master Ground Transportation Programme and the expensive proposed hospital. And rightly so. We have to account to the people of this country on our stewardship. I think if we had done any less the people would have said, "Gentlemen we put our confidence and trust in you. We felt you had the ability and the concern to do what you were supposed to do and you did not do it."

I have always harped on the idea that a key to our success in this country has been because we have always been prudent with regard to our financial affairs. We have always operated on the basis of a balanced budget and I have been involved with the budget process so I know how it works. When you get the submissions from the departments (I have never seen where those requests have not exceeded projected revenues for the year), but you cut, you negotiate, you reason, you argue until the Financial Secretary, with his staff, is able to arrive at a projected balanced budget.

Many countries have not adhered to these very conservative approach to finances. Some have gone out and they have undertaken vast projects which they could not afford and they resorted to borrowing in order to accomplish their objectives. The results are all around us of those countries who have made those mistakes. They are no longer in charge of the financial affairs of their countries. The IMF, the World Bank and all of the other lending institutions have been in the position where they come in and they dictate to you what you do. We have never been faced with that in this country and I pray to God we never will and that we will continue to run the financial affairs of this country in a prudent and conservative manner.

The other opposition or objection that we had to the Motion was that we regard this present move as a regressive step against our political maturity as a country. With your permission I would like to just briefly mention from where we have come politically. We did not have a Legislative Assembly as we now know it, prior to 1832. In 1832, our forefathers had the wisdom of establishing, with the assistance of the Mother country, a Legislative Assembly. This Assembly consisted of Justices of the Peace, an equal number of Vestrymen, who were elected by universal male suffrage. That means back then the women of this country were not allowed to vote. Today, everyone over the age of 18, who is of Caymanian nationality or has gained the affiliation here through status and has been here for a minimum period of time, has a right to vote. I think this is good. We did not have a Constitution in this country before 1959. It provided for a Legislature of 12 Elected Members, two or three nominated Members and two or three Official Members. Executive Council consisted of two Elected Members, one nominated Member and two Official Members with the Administrator, or the post now referred to as Governor, as Chairman. The term in office was three years and what is amazing, even back then it was felt that the Administrator of the day had too much power.

On page 10 of the Oxford and Asquith Report on the Constitution, it states:

"(d) a feeling that the Administrator held too dominant a position in the machinery of Government, particularly in day-to-day affairs."

Back when the 1972, as well as the 1959 Constitutions were being considered, there was a desire expressed for more control of the affairs of the country by the Elected Representatives. The 1972 Constitution established an Executive Council, consisting of four Elected Members, three Official Members and no nominated Members. What was interesting was that the recommendation was that one of the four Elected Members of Executive Council should be one of the two Elected Members from the Sister Islands. Quoting again from the Report on the 1972 Constitution, it states:

"The Island is represented in the Legislative Assembly by two elected Members and they would like one of these to have the right to membership of the Executive Council if the Council were to be enlarged."

The Council was enlarged as far as Elected Members are concerned. It was enlarged from two elected, to four elected in 1972, but that was not done. This again is borne out in page 27 of the Report on Executive Council. It says:

"(1) Chairman-The Administrator.

Members:

- (a) The Attorney-General
- (b) The Financial Secretary
- (c) The Deputy Administrator
- (d) Four (4) elected Members (one Member to be from the Lesser Islands)."

You know what is amazing, is that when the 1972 Constitution was being considered the same Member who moved this Motion was a Member of the House at the time, the Honourable Member for Education. For them now to come forward and say, the reason why the Honourable

Administrative Secretary, who is a civil servant, should be on Finance Committee is in order for the Sister Islands to have some representation, it is unbelievable. That someone who opposed the recommendation in 1972, could 18 years later, because it is to his convenience say, "Now we need him on Finance Committee." I wonder why the sudden change in attitude? The same Member was a strong advocate for the Finance Committee as it consisted of in those days, the 12 Elected Members to remain the same.

I would just like to quote the feelings of the Member from the Minutes on the 1972 Constitution which reads - talking about the Finance Committee and he was a Member of that Review Committee as far as my understanding is and it says:

"Although it is not essentially a matter to be established under the Constitution, the composition thereof" [talking about Finance Committee], "should remain as at present. But the quorum to be reduced to seven Members."

So he also advocated that Finance Committee consist only of the 12 Elected Members. Yes, we live in the days of changing times.

Oxford and Asquith did have something to say on the Finance Committee. On page 20 under the heading Finance Committee, it reads:

"The present Finance Committee (of the Assembly) consists of all unofficial members of the Assembly with the Financial Secretary as chairman."

He said "I recommend" and the Commissioner or whoever they had in those days doing the review, thought that it was an unwieldy body, that is consisting of 12 Elected Members. He recommended:

"I recommend that if a Finance Committee is established under the procedure described in paragraph 35 above, it should consist of one official member of the Executive Council (normally the Financial Secretary) as chairman; the four elected members of the Executive Council; and three other members of the Assembly to be appointed by the Administrator on the advice of the elected members of the Assembly. The quorum of such a Finance Committee should be five members in addition to the chairman."

Now, this recommendation was also rejected by the committee and by the Legislative Assembly of the day and the Member for Education was a part of that Legislative Assembly. The conclusion was that Finance Committee should remain as it should, in the hands of the elected Members or representatives of the people.

I heard arguments this morning and throughout the week that there is something wrong with our system and it needs to be fixed. Let me just mention a few of the things or a few of the results of the present system, that is where the finances of the country, the voting of those funds are in the hands of the 12 elected representatives of the people. This position has lent itself to an image of stability and I do not agree with the Member for Education who says, "It does not matter what form of Government you have in place as long as we are tied to the Crown, we will have that image of stability." I think it is wrong. I think it is an asset that we have our ties with Great Britain and I would not advocate any change in that position. I think that up until this stage the people of this country have always been proud of the fact that we were a British Crown Colony, and I think over the years the relationship has worked well in our favour. Because of the image of stability and through the wisdom and prudence over our fiscal affairs, we have experienced a period of dramatic economic prosperity.

I also believe that image of stability has been created because the elected representatives of the people were in charge of the finances of the country. Over the years we have been very fortunate to have had men and women who were concerned, conservative and prudent when it came to dealing with public funds, because at the back of their minds was also the fact that when they faced the people, which our democratic process calls for, the people will have the chance to vote whether or not they continued in office or they retired from the political arena.

I do not think that this period of prosperity was also as a result of the 12 Elected Members being in control of public finances, but because the Financial Secretary, who was appointed as Chairman of the Finance Committee, over the years has done a sterling job with regard to administering the financial affairs of the country.

Both holders of that position have been men that the Elected Members of the House have respected, have taken their advice and have accepted their leadership in the area of finance. I wonder why there is a need now to change that position or role as the Financial Secretary being Chairman of the Committee?

In my view the present move to remove the Financial Secretary is not because the present holder has done anything that is wrong, but only if they have their way and the new Finance Committee is established, they will be able to get his vote for Government under collective responsibility. The objectives of the Motion that we rejected was to do exactly that, to demote the Financial Secretary and replace him with the Governor as Chairman.

It was the feelings of the Members of the Legislative Assembly back in 1959 and 1972 that the holder of the position of Governor or Administrator had too much authority back then. That position, as far as I am concerned, is still supported by myself and the other six Members of the

Backbench. I thought the Second Elected Member for Cayman Brac yesterday addressed this matter squarely. I do not think and it is borne out in the Constitution, that it was ever the intention that the Administrator or Governor, under normal circumstances, should be in charge of the financial affairs of this country. Page 16 section 38(b) says:

"(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,".

Mr. President, in this country we have always been the envy of the entire Caribbean, or Dependent Territories, or Commonwealth countries located in this part of the world, because a long time ago we disqualified ourselves as far as the British Government was concerned for any financial hand-outs. Why? Because we were prudent, responsible, and we demonstrated to the rest of the world that we were good financial managers.

I think the arguments put forward by the Elected Members of Executive Council promoting, advocating and demonstrating the authority and responsibilities of the three Official Members is just a smokescreen trying to drum up support in the House for the ultimate objective, which is to get these gentlemen in a position where they have no say and Government is guaranteed their vote.

The argument was put forward that this really does not put Government in any majority position because they would still only have seven votes and you have eight Backbenchers. But, when you compare the position that they will be in with the position as it now stands in Finance Committee which consists of the 12 Elected Members only, Government can only be guaranteed four votes, that is the four Elected Members of Executive Council. You do not have to be much of a mathematician to come to the conclusion that it is much harder to pick-up three votes out of 12 than it is to pick-up one vote out of 15 and that is the objective.

I heard the Member for Communications thumping his chest over there in his debate. He does not want the position, never did. He was Deputy Financial Secretary and if he wanted to he could have been Financial Secretary today. That is a matter of opinion. I think the Member always had and up until today still has the ambition of being the Elected Member of Finance.

It amuses me how people can change positions so quickly for their convenience. This Member who has always advocated political advancement or progress, this Member who, when the Motion calling for the appointment of the Speaker of the House, voted for it because it was the contention that the present holder, who happens to be the Governor, had too much say, too much responsibility, too much authority. I distinctly remember the argument was the Governor now sits as Chairman of Executive Council, carries out his responsibilities as Governor and then to be in a position where he sits as President of the House, was too much. I wonder why the sudden change in position?

I am the kind of person, and I think the seven Backbenchers have demonstrated this during their short tenure here in the House, we are men who are prepared to stand and take a position, be that popular, unpopular, we are taking our stand based on the way we feel, and based on principles. This jumping back and forth kind of confuses me, I tell you. Makes me very uncomfortable. But by him being a Member of Executive Council, he naturally would support the present move because it helps achieve Government's objectives and what are they? They want to get control of the financial affairs of this country. For what? You mean we have not been giving them the money that they have requested all along? We have not given them anything for the MGTP? We have not given them any money for the expensive hospital, even though we gave them some money for the renovations of the hospital and in time, if we on the Backbench including the First Elected Member for Cayman Brac and Little Cayman, feel that the people of this country need and we can afford a hospital, we are man enough to vote those funds. But we are of the opinion, and from our consultation with experts in the field, it can be had for much less than \$20 million.

The other objective of the Motion which we rejected is that it ensures the continuance of the present Executive Council or Government as a minority number of Elected Members or representatives of the people. This is wrong, it is wrong. We live in a democratic society, we exercise and follow the democratic way of Government and it was never the intention that the three Official Members, who are all responsible individuals, but it was never the intention that the three Official Members would be used in the way that they are proposed to be used, to help any Government stay in power. Any advocate of the democratic process, or any advocate of the Westminster form of Government will tell you that when ever a Government loses a majority in a democratic society, they have no alternative but to resign. We are not advocating that. That is a fact.

MR. PRESIDENT:

Would it be convenient to take the lunch break?
Proceedings are suspended until 2:15 p.m.

AT 12:45 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:19 P.M.

MR. PRESIDENT:

Proceedings are resumed.
The Third Elected Member for West Bay continuing.

MR. JOHN D. JEFFERSON, JR.:

Thank you, Mr. President.

Before we took the lunch break I was dealing with the objectives of the Government in bringing their Motion No. 3/90. I ended by saying that this move will ensure their continuance as a minority Government and I must add, which goes against the grain of all basic principles of democracy.

The Member for Education mentioned that after the 1990 Budget they had considered resigning, but they thought this would be a cowardly act. I beg to differ with that opinion. I think it was the thing they should have done. I think this is the only avenue that is open to any Government who operates along the line of democracy to regain a majority position. This option should have been exercised as it is in keeping with the democratic process of Government.

I think it is important for us to recognise that the occupants of any Government position or positions under democracy are not what is vital, but the survival of the institution of democracy. Governments come and go, but democracy must survive at any cost.

Let me say here and now, I am a firm believer in the democratic process I am also a firm believer that if Government had done that, and if the people felt that the Elected Members of Executive Council were doing a good job they had nothing to worry about. It would put them in the position where they would have been returned along with a minimum of three others, which would have put them back in the position they were in on November 23rd, 1988. But I am of the opinion the reason why they did not exercise this option is because they were scared of the results.

I think if they had exercised that option we would have had a new Government in place today despite all they have said about the renegades and troublemakers, etcetera, etcetera, the new Government would be consisting of a majority of the present Backbench.

The position that Executive Council has taken in this matter reminds me of a story that I have read and heard so many times in the Bible involving King Saul, who was the first King of Israel and I must say an anointed King with the support and recommendations from above. Saul refused to do what he was responsible for, and as a result the Kingdom was taken away from him, even while he was still holding the position as King, and David was appointed as his heir to the throne of Israel. The smart thing for Saul to have done, which is the same position the present Executive Council finds themselves in, Saul, once he recognised and was advised that he was rejected, should have given way to a new administration. He prolonged it by trying to pursue and to take the life of the very one who was anointed to replace him but eventually, as was prophesied in the past, David became the next King of Israel.

I think this is the position that the present Government finds itself in. It has been rejected by a majority of the people of this country and the people of this country recognise what side of the House leadership is coming from.

For Executive Council to take the position of rejecting the Report of the Standing Orders Committee which calls for the status quo, that is the composition of Finance Committee remains as it is, shows in our opinion a total disregard for democracy and displays the Members of Executive Council's desperation to have their way.

I would call on Government to withdraw this motion and I think that if they had recognised that they were going to have the reaction from the public that they had, they would never have brought this Motion. I still think it is time for them to show that they are defenders of democracy by withdrawing this Motion and they can also display to the people of this country that they believe in the basic principles of democracy by recognising that they have lost, not only the ability, but the will to govern and lead and they should exercise the option which is open to them, that is stepping down as a Government.

I think it is only fair on an issue of this magnitude that the Official Members of Government should have the right of voting their conscience on this matter. I think it is wrong for anyone to have to be in the position that these gentlemen find themselves in where they do not have a right to voice publicly the way they feel about this Motion, because it is going to be affecting them directly. It was always the intention that civil servants be excluded from the battleground of politics and for them to be put in the position where they are now, acting in the same manner as is prescribed for elected representatives of the people, puts them squarely in the forefront of politics and especially the Honourable Financial Secretary. I heard an illustration yesterday comparing or giving a comparison as to what it is like, I would not repeat that, but I feel that because a basic principle of democracy is at stake, these three gentlemen should have the right to vote their conscience.

There is much at stake in this country if this Motion and the subsequent Motion which will be moved passes. I think personally that you will have dire consequences in this country. Mr. President, you personally, have not had the opportunity to see the Caymanian people at their best. I have and I will tell you one thing, when they say it is not going to happen, it will not happen and I think if I am testing the waters out there correctly, that is what they are saying about this Motion. It cannot happen. Our people are not prepared to accept this change. We on the Backbench, the seven of us are not prepared to accept this change and we will exhaust every legal avenue available to us to see to it that it does not happen.

We had a very interesting ruling yesterday, I thought, on whether or not you, in your position as Governor, have the discretion of calling a general election in this country. The conclusion was that the Governor cannot call elections on his own, but must consult with Executive Council. You made it plain that you had taken legal advice on this. Your Second Official Member got up and confirmed that this was correct. If it is the case, then we here on the Backbench are prepared to hold Executive Council personally responsible for not correcting the present situation through the avenue available to us which is stepping down or calling for a new general election. But you know, and I never claim to have any law degree, but section 47 of the 1972 Constitution sub-section (1) makes it very clear....

MR. PRESIDENT:

Are you about to embark on discussing the ruling, the legal

position? Well I hesitate to interrupt, but that is the legal position. You can have your opinion on the matter, but that is the position.

MR. JOHN D. JEFFERSON, JR.: Am I entitled to...

MR. PRESIDENT: Of course you are. I am simply making the point that that is the position.

MR. JOHN D. JEFFERSON, JR.: Yes, Mr. President, I am not challenging your ruling. I am just saying that in my opinion, I am not sure that I agree with that position. Section 47(1) says:

"47. (1) The Governor may at any time, by Proclamation, prorogue or dissolve the Assembly."

How I interpret that, Mr. President, is somebody gives me \$500 and says, "John, you may spend it, you do not have to, but you have it and if you feel like it, you can spend it." What I am pleased with here on the Backbench, we also have access to resources, legal opinions and with your permission, I would just like to quote a few excerpts from the Constitutional and Administrative Law, second edition by S.A.de. Smith to support my opinion. On page 103 at the very bottom it says, under the heading, 'Dismissal of a Government'. It says and I quote:

"If a Government having lost it's majority in the House of Commons,"

Now, you are going to say, that is not Cayman, but our form of Government is based on the Westminster system in England which is referred to as the House of Commons -

"were to insist on remaining in office instead of offering its resignation or advising a dissolution, the Queen would be justified after the lapse of a reasonable period of time in requesting the Prime Minister to advise her to dissolve the Parliament and if he were to refuse or she," (because the Prime Minister now is a very outstanding lady), "if he were to refuse in dismissing him, and his Ministers she would also it is submitted, be justified in dismissing her Ministers if they were purporting to subvert the democratic basis of the Constitution for example by prolonging the life of a Parliament in order to avoid a defeat at a general election or by obtaining an electoral majority through duress or fraudulent manipulation of the poll."

I go on, Mr. President, on page 653 of the same publication, it reads:

"A Colony having a Governor who is the Queen's representative and the instrument of the United Kingdom Government, his powers will be laid down in the constitutional instruments of the Colony, normally referred to as the Constitutional Order, he will have very far reaching executive powers, he will be advised by an Executive Council, he will be free to reject the Council's advice."

On page 654, it continues:

"The Governor's personal discretionary powers are confined to such matters as defense, external affairs, internal security and expatriate civil servants. For other purposes (apart from the appointment and removal of a Premier and dissolution of the Legislature) the Governor will have to act on advice."

Mr. President, I rest my case on that point.

MR. PRESIDENT: If I may interrupt you again, I do not propose to comment, because I just do not think it is appropriate, unless the Attorney General wishes to say something, but I would be very happy to discuss it with you afterwards separately, because it is an interesting point.
The Second Official Member.

HON. ANTHONY S. SMELLIE: Mr. President, these matters I also always find interesting and I would like to see the material that the Third Elected Member for West Bay is referring to. At the same time, I must indicate that I am entirely satisfied as to the correctness of the advice already given to this Honourable House. Thank you.

MR. PRESIDENT: Please continue.

MR. JOHN D. JEFFERSON, JR.: Thank you, Mr. President.
I would just like at this stage to comment on a few things that were mentioned by previous speakers. The first one I would like to address is the comment by the Member for

Tourism, Aviation and Trade who spoke this morning and I quote:

"I am surprised at the extent some people will go to have their way."

Mr. President, I support that statement 100 per cent. This is the same position we find ourselves in here on the Backbench. Why is it that Executive Council is prepared to resort to the kind of measures they are now resorting to, to remain in power when they no longer have a majority to ensure that they can do that?

The First Elected Member for Cayman Brac and Little Cayman made a few remarks which I would like to address. He mentioned that the proposed change is not a change in the Constitution but a change in Standing Orders. But I must remind the First Elected Member for Cayman Brac and Little Cayman that this change is more than just a change of Standing Orders. This proposed change goes against a fundamental principle of democracy, that is rule by a majority of Elected Members of this House and that the finances of the country remain in the hands of only Elected Members. He also mentioned that he had no opposition to the Financial Secretary. Then why is he supporting the Motion? Simple basic question. He does not see this really removing the Financial Secretary as Chairman because the Financial Secretary will, on occasion, be acting in the Chair as President, so he would automatically be acting as Chairman on those occasions. My question, Mr. President, is how often have we seen that?

I would just like to advise the First Elected Member and I am glad he said that he has not made up his mind on this yet and I am trusting that at the end of the day he is going to vote his conscience, which in this case will be a vote of no against this Motion but in my opinion a yes vote will be a vote of convenience, yes, for Government. They will be able to do those things, yes, that they want to do. They will be in a position to remain as a Government but it will also, much more importantly, be a vote against a basic principle of democracy.

He also put forward the argument that the quorum of Finance Committee will consist of seven Members as it now stands but he failed to recognise that the quorum would not any longer consist of seven Elected Members, but the quorum can consist of four Elected Members who could be Executive Council, along with the three Official Members.

He also, like the Member for Education, expressed concern over stability. I would like just to remind the Member that this move, if I am interpreting or translating the present feeling out there, has done much to jeopardise stability as we have enjoyed it in this country. Investors at this stage are very nervous. They are waiting to see what direction Government goes on this matter before making a decision whether or not to take their business somewhere else.

The First Elected Member for Cayman Brac and Little Cayman also mentioned that Executive Council is charged with responsibility to govern and that we should not take this away from them, but should allow them to continue. We are not taking anything away, they lost it.

With regard to the remarks by the Member moving the Motion, the Member for Education, like I mentioned initially, I thought his contribution was one of the best I have heard in support of our position. He argued that the Official Members are involved in the first and third stages of the budget process and the logic follows then that they should also be involved in the second process or stage which is being a part of Finance Committee.

I say no, Mr. President. The way that Standing Orders have been established, the way that Finance Committee has been comprised, is not by accident. What baffled me is the same Member is one of those who took part in the 1972 Constitutional Review exercise and he was an adamant advocate for leaving the Finance Committee consisting only of the 12 Elected Members of the Legislative Assembly. He also mentioned that the Motion increases the power of the Financial Secretary, since he can call for a Finance Committee. Big deal!

Now there is no doubt in anyone's mind who is in charge of Finance, who summons Finance Committee even though it might be with the support or consent of the Governor. The Financial Secretary is well entrenched and it is understood that he is in charge of Finance, including acting as Chairman of the Finance Committee.

He mentioned, he tried to relegate the role of Backbenchers and Finance Committee by saying that only a Government Member has the right to increase any vote. That is true. We recognise that, but you know what happened? What was so amusing was that in the 1990 Budget which we approved in December 1989, there were some votes increased and they moved the increases. We did not, we could not.

He also said that this move would not remove the checks and balances that are in place now in the system. I say no! The Backbench does not act as the check, that is why we have an Auditor General, that is his role. According to my information, recently he made a ruling which was not in their favour and I understand now what they are looking at is the possibility of removing him as well.

Public Accounts Committee, which I am proud to be a part of, which tabled the last report and because everything was not in Government's favour, there were some things that they had done which we questioned. We were upstarts trying to look for publicity. Feeble, feeble excuses, Mr. President.

I mentioned in one of our public meetings that the idea of throwing in the provision that all proceedings in the Finance Committee would be held in public was a smokescreen just in order to get acceptance. Do you know what the Member said? The Member moving it says, "Because you did not accept the whole motion, I will pull that back too." It shows us the real intentions of the Members involved.

We have nothing to hide. I was happy and everyone of us voted

to support the proceedings being made public. I think it was good and from the cheering in the gallery I knew where the support came from or was.

The Member for Education has a way of always trying to put down everybody else. He opened his contribution by saying, and I quote and this is a transcript of a tape No. 17 and it says:

"Unedited Transcript of Honourable Benson O. Ebanks.

I have never attempted to coerce any Government Department to buy any goods from me, I have never had to repay any money to any 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 being connected in anyway with the sale of land to Government at inflated prices."

And he went on to say, to call names, (because somebody questioned him), and give documented facts in here which will leave many red faces.

I join with the First Elected Member for Bodden Town in saying that if the Member knows of anyone of the Members of this House who is dishonest, he has a responsibility to bring it to the attention of us all. Otherwise he does what they say at a wedding, "If you have anything to say why these two individuals cannot be legally joined together, speak now or forever hereafter hold your peace." That is the advice that I am going to give him.

He also went on to say that the Bodden Town By-election had nothing to do with their announcement. I mean, who does he think he is fooling? I think by 6:00 p.m. and unfortunately I was not here to revel and take part in the carnival atmosphere I understand was here, but they knew by 6:00 p.m. that they had lost that election. The key to stability had not been realised, that being the election of Mrs. Mary Lawrence.

I did refer to a few comments by the Member for Communications, but there are a few more that have to be addressed. He mentioned that the process of democracy is preserved by this Motion. My question is, how? Is that because they are going to have their way if it goes through? That is not democracy. He went on to say, a new system gives the Financial Secretary a vote which he does not now have. As a civil servant, and I mentioned this before, being in charge or responsible for Finance, the Financial Secretary's position should be the one that he now occupies, only as a Chairman, only with a casting vote and anytime there is a tie, in keeping with convention and precedent in this House, the Chairman has no alternative but to vote that the status quo remains and in democracy.

The same Member went on to promote these three Official Members, the sterling job that they have done, the responsibility that they have, but I would like to read an excerpt of what this Member had to say previously when he was here on the Backbench like the rest of us. This is taken from the Legislative Assembly Minutes, 8th of September, 1986 on page 30. Mr. Linford Pierson, MLA, speaking, the fifth heading dealt with by the Honourable Second Official Member, that was entitled:

"What are the Safeguards?"

"I would like to remind the Honourable Second Official Member that if I were the Honourable Second Official Member, and he was here, he would probably be giving me a little bit more soup than he is getting this evening. This is the price you pay when you are in a position in the Legislature or a Parliament that should be perhaps filled by an Elected Member and I believe that the day is coming when Members who sit on those Official benches should be Elected Members who are responsible to the people of this country and not senior civil servants."

SOME MEMBERS:

Hear! Hear!

Mr. President, this was only three years ago, now all of a sudden the Members, the Official Members have a role and a right to be in here and to be members of Finance Committee. I say, what inconsistency!

He also went on to say that the new system that they call for now, that they are pushing for, will enhance checks and balances or the checks and balance. My question, how? They believe that we were born yesterday, and the people of this country were born yesterday. The only reason why they want those three Official Members now, which they were prepared to reject in 1986, because they want their vote under collective responsibility in pushing for approval of financing for their grandiose schemes.

I do not think that the Government can say that we have not supported them. We have! My attitude is that there is more involved. There are bigger things to come and this is only paving the way to allow those things to become a reality.

He also mentioned that if the First Elected Member for Cayman Brac had taken a position with the Backbench he would have been a hero. That is not what is at stake here, not who votes for, or against. The issue is the survival of democracy. He mentioned that the Backbench had made no attempt to work with Government or Executive Council. This is another joke, Mr. President. We sat down and I think the clearest indication of our cooperation (we did not have to do so), we had eight Elected Members as a part of Finance Committee during the Budget process. We could have said, "We totally reject Government's Budget,

and we are going to stop and block everything." They would have had no alternative, but to step down. We did not do that, so their argument about us wanting to take control and that we are power-hungry does not hold water. Our time is coming, it is not far off either. Our time is coming.

We did not want to take it away from them, if we wanted to we would. What we did was that we worked with them over five days and at the end of the day, we not only changed the budget with their consent, but we saved a million dollars in the process.

SOME MEMBERS:

Hear! Hear!

The Member also said that all the Members of the House had agreed to 50 per cent of the Motion, that is true. We agreed with the smokescreen that they put in there, which we did not have any problem with, about Finance Committee proceedings been held public. We have no problem with that whatsoever, we have nothing to hide. Our people can see us here dealing with their matters and still be proud of us. We do not have to go behind closed doors.

Do you know what is amazing, Mr. President? The Chamber of Commerce, the Caymanian Bar Association - and only the Lord knows how many others - including the Young Caymanian Businessmen's Association, I think, came out and a majority of the public have made it known that they are not prepared to accept or support this Motion. All of a sudden, Executive Council cannot understand why.

Do you know, according to some Members they have a corner on intelligence. We do not claim that. It is a democratic right of any people in a democratic society to get up and voice their opposition to anything that their representatives bring, that they do not agree with.

I would like to call on the people of this country to come forward, to do what they did when we were dealing with the abortion issue. Politicians have a way of being intimidated when they know they are not popular but I want to urge the people to come out, call your representatives - and I understand that the Members of Executive Council have so many of them - call them and tell them that what they are doing is wrong.

Do you know what was encouraging, Mr. President? In the last couple of days some people came to see me, and I know they did not support me in the 1988 Election. They mentioned and acknowledged that, but they did go on to say that they did support the Member for Education, but that he has disappointed them, and that they are not prepared to let him get away with what he intends to do now.

I mentioned before that you have not had the opportunity of seeing our Caymanian people in action. I recall as a boy during the early 1960's, just after the Cuban Revolution, we had Cuban planes coming in here, landing and basically having full swing. I recall one morning the Caymanian people said, "This is enough." They got in cars, they got in trucks, they got a hold of machetes, pick-axes, clubs and whatever else they could get their hands on. They went to the airport and there was a Cuban plane, landed and parked there. The first thing they did, they parked their vehicles on the apron, so there was no way of escaping. Cuban soldiers were getting off of that plane and getting on to our commercial flight locally, the people went and said, "No way. It cannot happen, you get off of our plane, you get back on that Cuban plane and you get out of here." These soldiers had guns, Mr. President.

I recall another incident right here in the district of George Town, the same district that our two Members of Executive Council are from, that is the Member for Tourism and the Member for Communication. We were having a general election, proper time and effort had been exercised in insuring that every man, woman, boy or girl over the age of 18 had been registered, to vote. Some constituents here in George Town showed up at the polls and said, "We came here to vote." They looked at the voters list and they were not to be found. You know what they did? They said, "If we do not vote, nobody votes. Stop the election." They had to go out and go through the exercise of registering everybody and coming back and holding a new election in this district. The people here in the Cayman Islands are very friendly, it has always been one of our greatest assets, but do not confuse that with weakness.

MR. PRESIDENT:

Perhaps we might take the break here.
Proceedings are suspended for 15 minutes.

AT 3:19 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:44 P.M.

MR. PRESIDENT:
Member for West Bay continuing.

Proceedings of the House are resumed, the Third Elected

MR. JOHN D. JEFFERSON, JR.:
colleague from George Town.

Mr. President, I have no objection to being confused with my

Before we took the break, I did give a few examples of our people taking their stand and I have one correction. I was told, it was back in 1962 or 1963 which I was only a boy at the time, that there were not any Cuban soldiers but Cuban civilians and I was told that it consisted of the Cuban Ambassador to Jamaica and his wife. But anyway, the point was made that the people stood up, they had enough and stopped the recurrence of the visits of Cuban planes here to the Cayman Islands.

I recall two other examples of our people making their position

well known. I think it was back in 1971 or 1972, there was a march here in protest of some policy of Government about the requirements with regard to land needed for building a home and other matters. One of the requirements I understand, Mr. President, was that you had to have five acres if you wanted to build a home which would have excluded a lot of Caymanians from ever being in a position of owning a home here in the Cayman Islands.

I remember, I think I was in school at the time, but I remember hearing that the Administrator or Governor of the day called in the British warships, soldiers came ashore, bearing arms, but at the end of the day, Government accepted the people's position.

I recall when I was in Government in the Inspector of Bank's office in 1975, early 1976, Government at that time was bringing forward a proposed development plan which the people objected to. There was a large march and the results in the 1976 elections, speak for themselves. The voices of the people were heard loud and clear.

We are not advocating, and I personally would not want to see our people having to resort to any type of violence in order to get the point across to the present Government, that they totally oppose the idea being put forward. I think this is why I am calling on the Executive Council to withdraw this Motion and put it in the waste paper basket where it belongs, in the interest of peace and harmony here in the Cayman Islands.

I appealed to you earlier, Mr. President, as far as releasing the Official Members on this issue. Precedent has been set. I was reminded that on an issue as simple as an amendment to the Liquor Licensing Law, the Official Members were released. I recall back in 1989, I think, when the Speaker's Motion was introduced that they were again released to vote their conscience.

MR. PRESIDENT:

I think the record will show that they in fact abstained from voting. If I remember correctly, in regard to the Speaker's Motion, the Official Members abstained from voting. So it was not a matter of conscience. They did not vote on it, being Official Members. As I remember it, I stand to be corrected, but I think that is the case.

MR. JOHN D. JEFFERSON, JR.:

Well, Mr. President, maybe you can tell them to do that on this occasion. It will have the same effect.

I think the issue before us is a much more profound and serious one than we were dealing with in the past when this was done and I see no reason why the Official Members should not have the opportunity of voting their conscience on this one. I do not think Government has anything to fear. If this thing is such a good Motion, with such merit, then they should not be scared that the Official Members are going to vote against it. I think in keeping with the idea of fair play, good Government and in keeping with what we know and have enjoyed for so long a time in this country, an issue like this, every Member of this House be they elected or otherwise, should be released from collective responsibility and allowed to vote their conscience.

I appeal, before I sit down, I appeal to Government to recognise like they did, when they brought the amendment to the Music and Dancing Law. They passed it, the people made them know in no uncertain terms they did not want it, they came back and reversed it. In order to avoid that process, because it is clearly evident by the people they do not want this, I am appealing to the mover and Executive Council to withdraw this Motion which I feel is not in the best interest of democracy, it is not in the best interest of stability and it is not in the best interest of the people of this country.

Mr. President, I thank you.

MR. PRESIDENT:

I think while we are waiting for the next speaker, I will propose to make a statement tomorrow on the issues raised in regard to conscience voting and so on because there are three different matters as far as I can see thinking about it immediately. The first is the type of issue like a Speaker or not, whether there was an abstention by Official Members. The second is something like the Liquor Law mentioned which is a religious issue, Sunday extensions, again I am speaking from memory and the third is the present motion which is another different issue. So I would propose to think about these, get the legal advice that I need and make a statement, I hope by tomorrow.

First Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Not rising on the Motion, but since you say you are looking into that aspect of it, there was once a Motion of confidence moved by the Elected Members and the Members over there were cleared of their collective responsibility, so maybe you could take that into consideration as well.

MR. PRESIDENT:

Perhaps you could identify for me and the Clerk can find the issue, please?

The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN:

I am just wondering, Sir, if we would have, perhaps, a right to address you, prior to you making a ruling as this is a very important point. I believe that the benefit of multiple opinions may assist you in coming to your proper decision.

MR. PRESIDENT:

I do not think that it would be normal for that, but I am quite prepared to hear you privately. Again, I am trying to help clear the issue because statements are being made, opinions are being expressed which it seems to me very important we should all have clear. I think it does not seem to be right, that what in the end will be a debate on the floor of the House is the right way to deal with it. In the House of Commons the Speaker would simply rule, I am more than prepared to hear you, and when I say

privately, I mean in the Speaker's office.

Motion before the House?

After that digression, would any Member wish to speak on the

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, the Motion before the House seeks to reject a Report of the Standing Orders Committee. The Mover of the Motion seems to have enjoyed extraordinary haste in putting forward this rejection from a committee to which he himself had sent the amendments. These are times that try men's souls. This is perhaps the most significant Motion to come before this Parliament or any Parliament in Cayman since 1832 because for 158 years we have been moving forward, priding ourselves and upholding the traditions of Westminster and now we are dealing with a matter which could and will reverse that onward trend.

I would like to give the people of the Cayman Islands my assurance that if the Government succeeds in taking away a right which they had enjoyed, a right that only Elected Members vote in Finance Committee, or dilute that right, I will do everything that is legally possible to give them back that right.

What we see here today, even if this Motion succeeds, is not the end of it, it is not even the beginning of the end. In passing I would like the public to record and remember the travesty of their rights. I would like them to record and remember this big deal that is being put forward.

I think we on this side of the House have a right and an obligation to stand up against this Motion because Parliamentary institutions have not been destroyed because there was vigorous opposition. These institutions are destroyed only in countries where there is little or no opposition and we could look around and find many countries that are suffering today because they let their rights slip away one by one. Unless there is a violent overthrow of the Government, most totalitarian rulers take power because the populace, the electorate, let those powers slip one by one. One of the reasons why democracy survives is because in the democratic system there are checks and balances which make the system not only work but which prevent abuse of the system and I mean abuse like excessive spending and excessive taxation.

So what are we going to say to our friends abroad, because they are listening to us? The investors are listening, what are we going to say to the people on the street because they are waiting? What message are we going to send out from this Parliament which is the father and mother of all our politics. Are we going to say to them that we allowed a cherished right to slip because some people could not make the system work?

By our rejection of the Motion we must say to the world that the principles of democracy have not been extinguished, that they are not about to be eroded.

If we allow this report to be rejected so that the Member may move on to complete what he set out to do initially, we would put an end to our stability. We would put an end to our prosperity and we would put an end to our freedom from excessive taxes.

The Motion before the House is an insult to the people of the Cayman Islands. It is an affront to everybody everywhere who believe in good Government. This Motion seeks to remove the checks and balances which prevent the squandering of public funds, which prevent the fraudulent misappropriation of public funds, which prevent the so called 10 per centers from taking their share of public funds. This Motion, if passed, would open up the floods of corruption, would make Ferdinand Marcos look like an archangel. This Motion, if passed would remove a fundamental principle of democracy, that Elected Members control the purse strings. It would make the Magna Carta become of little significance. Only Elected Members are controllable and accountable to the public. It would make a farce of our general elections and remove the only tool of accountability which is presently available to the electorate.

The Motion could pave the way for the removal of the Auditor General and the Public Accounts Committee. The Auditor General would probably become the 16th member of Finance Committee. The Motion would allow civil servants to prepare their budgets, to request their budgets, to sit in Council and approve their budgets, to come to Legislative Assembly and debate their budgets, to go to Finance Committee and pass their budgets and come back to the House again and vote on the Third Reading of the Appropriation Law and then sit down and hold their hats to receive their budgets and spend it.

There would be no check or balance because the one person would be carrying out every stage of the preparation and construction of the budget. For the Mover to talk nonsense about the Auditor General as the check and balance shows a simple misunderstanding on his part of the whole process because the Auditor General does not become involved in the budget prior to its having been voted. The Auditor General is concerned with the proper dispensation of the budget after it has been approved and I am concerned that the electorate would be having their control diluted by the addition of other Members to Finance Committee, members that could not be disciplined at the polls.

This Motion is an indictment against the Government. It is an admittance of their failure to govern properly. It is a sign of their impotence and it smacks of fiscal incompetence. Coupled with the previous suspension of Standing Order 67(1), it shows an arrogance and a belligerence that is unbelievable and unacceptable by the people of the Cayman Islands. It shows a total disregard for the wishes of the Caymanian people, it looks to me like the beginning of autocratic rule. If we allow the four Executive Council Members to stack the cards against the majority of double their numbers, we would all be acquiescing to a game that could not be called fair. If we allow them to play their crap game with loaded dice, we cannot complain about the results.

For the last 31 years the composition of our Finance Committee has remained virtually unchanged with the exception that nominated Members have been dropped from it. It has worked well with every Executive Council, it has worked well with every type of Backbencher you could have. It

has worked well with every Financial Secretary or Treasurer, it has worked well with every Governor and for 31 years it has brought us continued prosperity. So it is quite obvious that the problem is not with the membership structure of the Finance Committee, but with the leaders of Government.

There is a comic personality, Pogo, and Pogo once said, "We have found the enemy, and the enemy is us." That is where the trouble is. The enemy is us. "Us" is the people bringing this Motion, that is where the problem is. Changing the structure of Finance Committee will not help these people because there is no use changing the tires on your car if the battery is dead. It is no use putting a Ford key in a Chevrolet because it had an ignition problem. You have to find the problem, before you can cure it and if we are going to apply the remedy to this Government we must find the cause and I maintain the cause is with the Elected Members of Executive Council.

Let us take a quick look at the Motion which is before us, before I go into the more sinister aspects of it. One of the lame duck excuses given by the Government for the presentation of this Motion is that Finance Committee sits in private and they want to make it public. This has always been the case and if they want to make it public, they can do so without making any change in the Standing Order because Standing Order 70(5) which now exists has this to say:

"Subject to any order of the House or resolution of the Committee, the sittings of a select committee shall be held in private."

They are applying the rules of a Select Committee to Finance Committee and it says, "Subject to any resolution the Committee would sit in private." Which means that if the House or the Committee passes a resolution to say otherwise, it would then sit in public.

This is not what they are at. We know, we have found out, we have squealed about it. So Finance Committee, in my opinion, can be held in private or public depending upon the will of the Members. I am not objecting and in fact I was one of the Members who voted for and agreed to the radio broadcast of the proceedings of the Legislative Assembly, so as to make the workings of Government public and I have held many public meetings to inform my constituents of the happenings in Government. I welcome this move to make the matters of Finance Committee public or to let the meetings be held in public, but even before this had been done the minutes of Finance Committee would normally come back to the House, a report would be given and these documents would eventually be made public. I welcome this move and before I pass on, I must emphasise that this is not the reason for this resolution.

The second, 'lame duck' excuse for bringing this Motion is that the Member of Council responsible for Cayman Brac and Little Cayman is not a Member of Finance Committee. The resolution says:

"**AND WHEREAS** on two occasions including the present 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;"

To show the utter confusion of the Government we had the First Elected Member of Executive Council, the Member for Tourism, this morning complaining about the Backbenchers, trying to let the Cayman Brac people believe that they should have an elected Member on Executive Council. Yet, in his resolution, because he is a part of this, he has put in that in order for Cayman Brac to be properly taken care of they must have an elected Member in Finance Committee, yet he condemned the Backbenchers for wanting an elected Member in Executive Council.

They go on in the Motion to complain that on two occasions including the present one, the Member for Executive Council responsible for Cayman Brac and Little Cayman has not been a member of the Standing Finance Committee and while this may have been true, the fact is that on the other occasion in the past when the Member for Cayman Brac with the responsibility for Cayman Brac was not in Finance Committee was the four years in which Cayman Brac received the largest portion of Government's capital expenditure. They are talking about the four years from 1980 to 1984, when Mr. Dennis Foster was the Executive Council Member responsible for Cayman Brac and it was during those years as people will know that the First Elected Member for Cayman Brac and Captain Charles were the representatives for Cayman Brac and Mr. Dennis Foster had responsibility for those Islands. Despite the fact that Mr. Dennis Foster at the time was not a Member of Finance Committee, Cayman Brac received a large amount of Government's capital expenditure because it was during those years that the dock was built, the Government Administrative Building was put up, the new Public Works Compound was built and I could go on and on. Cayman Brac, in one of those years, received almost 25 per cent of Government's capital expenditure. It was during this time, I believe that my good friend the Second Elected Member for Cayman Brac was doing such a stalwart job as District Administrator up there.

So Cayman Brac has never suffered. If Cayman Brac is suffering now, it is the fault of the present Government and I have no statistics on that. The two Elected Members for Cayman Brac are Members of Finance Committee and from what I have heard from both of them in this meeting here, they do not need any help. At any rate, they do not need the kind of watered down help that the mover of this Motion could give them. Furthermore, if they were interested in Cayman Brac, I would think they would have supported the move back in 1988 to have the First Elected Member from Cayman Brac elected to Executive Council where he could really have given them some help.

In my opinion, the real reason for bringing this Motion, although they would not dare to put in the **WHEREAS** section of the resolution, is that four lonely men in a minority position

of four to eight are trying to cling to power and to put through unpopular programmes. This has been made abundantly clear from the recent attacks on the press, from the tremendous support given to Miss Mary during the Bodden Town By-election and the ungentlemanly display of mud-slinging that characterised the Executive Council meeting held at the Kirk Plaza parking lot on Tuesday night, two weeks ago.

It is a well documented fact that four men and four men alone want to put through the MGTP, the split hospital, the Pension Plan, the Jennett T, the Agricultural Plan, the new Education Plan which is to be shortly unveiled, the money needed to pay for the fiasco of renting two jets at the cost of triple the amount that Cayman Airways had been lease/purchasing the 727's.

This Motion, if passed, will go a long way in helping the Government cover up its tracks as well as help it to make new inroads into the public funds to spend the money so that they can raise more taxes, to have more money to spend, and they are trying to do this at a time when they should be resigning from office.

One of the great English politicians Hugh Gaitskell, said in 1960 when addressing the 57th Annual Conference of the Labour Party:

"I would not wish for one day to remain a leader who had lost the confidence of his colleagues in Parliament."

This Motion seeks to delete Standing Order 73 and the Government Members tried to make little of that deletion. This would do away completely with Finance Committee as we know it and as it has existed for 31 years. It would also put an end to the principle that Elected Members and only Elected Members and not the Civil Service control the public funds. So would come to an end, in Grand Cayman and Little Cayman and Cayman Brac, the 775 year old important articles of the Magna Carta.

Last week Friday, the 15th, the Magna Carta was 775 years old, having come into effect in 1215. All the Caymanians and Cayman Brackers and people from Little Cayman that gave their lives in World War II to fight for democracy and good Government would have died in vain, so would all of those who died in the many battles fighting for democracy.

MR. PRESIDENT:
convenient point? Fine.

Would it be convenient to adjourn there, or are you at a

MR. G. HAIG BODDEN:

Yes, Sir.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:
House until 10:00 o'clock tomorrow morning.

Mr. President, I move the adjournment of this Honourable

QUESTION PUT: AGREED:

**AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,
THURSDAY, 21ST JUNE, 1990.**

**THURSDAY
21ST JUNE, 1990
10:26 A.M.**

MR. PRESIDENT:
Aviation and Trade.

Prayers by the Honourable Member responsible for Tourism,

PRAYERS

HON. W. NORMAN BODDEN:

Let us Pray.

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

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

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

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

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

MR. PRESIDENT:

Proceedings of the House are resumed.

10/90, the First Elected Member for Bodden Town.

Item 2 on today's Order Paper. Private Member's Motion No.

**OTHER BUSINESS
PRIVATE MEMBERS' MOTIONS**

MR. ROY BODDEN:

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

10/90 standing in my name and which reads as follows:

**PRIVATE MEMBER'S MOTION NO. 10/90
ESTABLISHMENT OF A NATIONAL COMMISSION
TO INVESTIGATE AND REPORT ON THE PROBLEMS OF YOUNG PEOPLE,
DRUGS AND CRIME IN THE CAYMAN ISLANDS**

"WHEREAS there is a growing national concern with young people, drugs and crime in Caymanian society;

AND WHEREAS the prison population at Northward Prison has a high percentage of youthful offenders;

BE IT THEREFORE RESOLVED THAT this Honourable House establish a Commission comprising two attorneys familiar with the criminal justice system; one representative each from Cayman Against Substance Abuse (CASA) and the Drug Advisory Council; and two representatives from each of the districts with one being between the ages of 18 to 25; to investigate and report on the relationship between young persons, drugs and crime in the Caymanian society.

AND BE IT FURTHER RESOLVED THAT the Commission be required to complete its work in six months and to submit its findings and recommendations to this Legislative Assembly through the Honourable Member under whose Portfolio this responsibility falls."

MR. W. McKEEVA BUSH:

Mr. President, I am pleased to second the Motion.

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

Private Member's Motion No. 10/90 has been duly moved and

MR. ROY BODDEN:

Mr. President, this motion arises out of an obvious need to develop a cohesive programme or plan to redress the problem of young people, drugs and crime in our society. The motion had its genesis in conversation I have had with many people from the various walks of our society, from my own observation as I move around the Island and from the concern of the young people themselves.

I would ask Honourable Members to note, that the motion as it is structured, does not bind the Honourable Members in that it is not requesting the Commission to be comprised of any Members of this Honourable House. I would also suggest that its composition is not one that would require the Government to spend any inordinate amount of money in order to arrive at these findings and note also that the time limit, while it is limited, is sufficient to make the members of this roving commission, to give them enough time to carry out a comprehensive study; formulate the report and recommendation and bring it back to this Assembly within a reasonable time.

I am convinced that this exercise can only help to broaden our understanding, can only help to set us on the right track to deal with this scourge in our society. I am suggesting there is this need for such a report in order for us to arrive at a sensible and effective strategy to combat this scourge. Having said that, I leave it to Honourable Members to voice their opinions on the necessity and efficacy of this request. Thank you.

MR. PRESIDENT:

Does any other Member wish to speak?
The Honourable Member for Health.

HON. D. EZZARD MILLER:

Mr. President, the motion before the House which deals with a National Commission to investigate and report on the problems of young people, drugs and crime in the Cayman Islands is unnecessary. It is only an attempt by the Backbenchers to detract from the problem, by having the public believe that this will offer some magic solution to the drug problem and those of the young people.

This is the third miracle proposed by them in as many meetings of the Legislative Assembly. In December the solution was a mandatory cadet corps for all the young people to force them to give two years service in some structured and disciplined service between the ages of 16 to 18. When they found out no doubt that the public and in particular the young people did not want it, they dropped it.

In March it was a Youth Commission set up between departments in Government and the hiring of staff by Government, to be placed in their districts to deal with and solve the problems of youth. Now, today they want a Commission of Inquiry made up of 16 people to investigate and report on the relationship between young persons, drugs and crime in the Caymanian society. It should be noted by all that the terms of reference are very bland and non-specific, and does not seek solutions to the problems but only what the relationship is.

Mr. President, the world knows what that relationship is. When persons young or old start to experiment with drugs, they usually get addicted, and because of the cost to meet the demands of drugs which their bodies crave, they usually have to resort to crime to pay the cost of their drug habits. Drugs have such an effect on the body both mentally and physically, that ones capacity and capability to work are reduced, and therefore one's ability to earn money is reduced. The drugs also increase ones capacity to believe in their invincibility. It reduces the sense of right and wrong and reduces respect for law and order which all lead to the increase in crime.

This Motion can serve no useful purpose to this Parliament. The Government Departments concerned with the problem are doing much to solve it and are having some success, nor will it serve the young people who are affected by this problem. The Government is doing much through its resource departments, and in concept and with much help and support from such organisations as CASA, the service clubs, the Cayman Counselling Center and its implementation of the National Drug Plan, plus its enforcement areas, Customs, the Police and the International Enforcement Agencies with which they work and cooperate.

The Drug Advisory Council has prepared two Annual Reports in which they have gathered most, if not all, the information that is available locally about this problem. They have made many recommendations which are under review. Many have already been implemented. No doubt the Backbenchers, in their usual negative, militant, autocratic approach will lambaste the Government for not doing enough with these reports.

The reason why this motion is so unnecessary is because a similar committee already exists. The Government established under Clause 2 of Law 8 of 1988, which was an amendment to the Misuse of Drugs Law, a Drugs Advisory Council. I would like to quote the relevant sections of the Law as to what this Council does.

"2A. (1) There is hereby established an advisory council on the misuse of drugs.
(2) The Governor shall appoint a Chairman, a Deputy Chairman and not more than 10 nor less than five other members of the Advisory Council, after consultation with such persons as he considers appropriate and such members shall include:

- (a) At least two persons appearing to him to have wide and recent experience in the respective health professions of medicine and pharmacy, within the

meaning of the Health Practitioners Law, 1974, and

- (b) At least two persons appearing to him to have wide and recent experience of social problems connected with the misuse of drugs and other substances.

3. It shall be the duty of the Advisory Council to keep under review the situation in the Islands with respect to controlled drugs and other substances which are being or appear to them likely to be misused and of which the misuse is having or appears to them capable of having harmful effects sufficient to constitute a social problem; and to give to the Member, where either the Advisory Council consider it expedient to do so or they are consulted by the Member, advice on measures which in the opinion of the Advisory Council ought to be taken for preventing the misuse of such drugs and other substances, or dealing with social problems connected with their misuse, and in particular on measures which in the opinion of the Advisory Council, ought to be taken for -

- (a) restricting the availability of such drugs and other substances or supervising the arrangements for their supply;
- (b) enabling persons affected or likely to be affected by the misuse of such drugs and other substances to obtain proper advice, and for securing the provision of proper facilities and services for the treatment, rehabilitation and after-care for such persons;
- (c) promoting co-operation between the various persons, clubs, societies, associations or other bodies, or any department, branch, agency or organ of Government which, in the opinion of the Advisory Council have a part to play in dealing with social problems connected with the misuse of such drugs and other substances;
- (d) educating the public or a section of the public in the dangers of misusing such drugs and other substances, and for giving publicity to these dangers; and
- (e) promoting research into, or otherwise obtaining information about, any matter which in the opinion of the Advisory Council, is of relevance for the purpose of preventing the misuse of such drugs and other substances or dealing with any social problem connected with their misuse.

(4) It shall also be the duty of the Advisory Council to consider any matter relating to drug dependence or the misuse of drugs or other substances which may be referred to them by the Member and to advise them thereon.

(5) The Advisory Council may appoint one or more committees, which may consist in part of persons who are not members of the Advisory Council, to consider and report the Advisory Council on any matter referred to them by the Advisory Council.

(6) At meetings of the Advisory Council the quorum shall be one-half of the members appointed, and subject to that the Advisory Council may determine their own procedure.

(7) The Governor, in the exercise of his own deliberate judgement and subject to such conditions as he may impose, shall approve of the secondment of a public officer (not being a member of the Advisory Council) to be the secretary of the Advisory Council to perform all the secretarial and clerical functions thereof and to attend all its meetings and take minutes of the business transacted thereat.

(8) The public officer seconded under subsection (7) shall be paid such remuneration as the Governor may determine, but in relation to salary, pension, gratuity and the like and to other rights and to discipline as a public officer, shall be treated, whilst so seconded, as if he were not so seconded.

(9) In this section:-
 "Advisory Council" means the Advisory Council on the Misuse of Drugs established under sub-section 1;
 "Member" means the member of Executive Council responsible for health matters."

Now, it will be seen from that Law, that there already exists such an advisory body. They have been charged with specific and broad terms of reference to keep the situation and all

aspects of the drug problem in the Cayman Islands under review. The make-up of the present Drugs Advisory Council follows very closely the make-up of this Commission requested by the Member moving the Motion.

They have asked for two Attorneys familiar with the criminal justice system. The present Council has a Magistrate Judge and two JPs on the Council. They have asked for a representative each from Cayman Against Substance Abuse and the Drugs Advisory Council. The present Council has two representatives from Cayman Against Substance Abuse. They have asked for two representatives from each of the districts, one being between the ages of 18 to 25. The present Council has representation on it from East End, George Town, West Bay, Bodden Town and Cayman Brac and Little Cayman. It does not have anyone on it between the ages of 18 and 25 presently.

So, it can clearly be seen that such a committee as they are requesting already exists. Therefore there is no need to appoint yet another committee to look at this problem. But let me hasten to assure the listening public and Members of this Honourable House, that much is being done by the present Government to try and solve this menace of drugs in our society. I will take the time to highlight one or two activities that are going to take place within the next few months.

Just a week and a half ago CASA, Rotary and Government sponsored a group from the Ohio area to promote the Youth to Youth programme. They had a very interesting and informative presentation at the Radisson. I was disappointed not to see other Members of this Honourable House present. CASA, Rotary and Government are taking a very large group to Atlanta to further the promotion of this Youth to Youth Drug Free Programme.

In August, the same combination CASA, Rotary and Government, will be sponsoring a Conference in Grand Cayman, to train young people to work in youth organisations and the community, to promote drug free activities, and a positive mental attitude. The Government itself is sponsoring a Drug Conference in September of all the British Dependent Territories on Demand Reduction, the Importance of National Drug Plans and the role of the Drug Advisory Councils in Government.

Earlier that same week in September, the local Customs Department is sponsoring an Enforcement Conference. During that same week Government, CASA, Service Clubs and Churches are organising and sponsoring a Drug Awareness Week, which will hopefully become an annual event.

This is the second year that this Honourable House has voted monies for the Church Youth Worker programme. I am extremely encouraged by the type of programmes which are being put in place by many of the churches in these Islands. The Portfolio is committed to assisting with Church Youth Workers training and the Government hope to involve all interested churches in a training work shop, which will be organised in November of this year.

The National Drug Plan, as laid on the table of this Honourable House in September 1989, is being implemented, as quickly as resources can be provided and allocated. The Cayman Counselling Center is growing from strength to strength. It is really having an impact on these people, helping many people who are affected by this scourge on our society, and also helping a lot of people through family education, and prevention of getting started and hooked on drugs at all.

During this year, the Public Health Department, in conjunction with the Education Portfolio, hopes to conduct a survey among school children which will provide useful data on the knowledge of AIDS, (basically as a result of the Five-Year AIDS Plan that was also tabled in this Honourable House and to which Government has been working); to determine what their attitude is to the use of drugs, cigarettes, etcetera, as part of a general health questionnaire in the Government's effort to purport wellness in health care rather than sickness, which is simply a curative function. The results of this survey will be invaluable in the planning of additional programmes and the refinement of existing programmes. I invite (and I hope all Honourable Members will make a special effort to be a part of all these activities and encourage) the young people they represent and purport to lead to attend and take part in these activities.

This Government has published a National Drug Plan which has several areas in which Members could get involved if they wanted to and help to solve the problem. However, I am still waiting for them to make a commitment as to the role or roles they could play in addressing this problem in their respective communities. I have been approached by only two. The First Elected Member for Cayman Brac spoke to me about extending the services of the Cayman Counselling Center to Cayman Brac. We are actively pursuing it and hope to include a post for Cayman Brac in the 1991 Estimates. In the meantime, the two Social Workers from Cayman Brac have received training at the Cayman Counselling Center and can refer people to it whom they do not feel competent to deal with.

The Mover of this motion, the First Elected Member from Bodden Town has told me that when I was ready to start a group in Bodden Town he would help.

Now, many people have a magic solution to the drug problems all over the world. But, I was shocked and dismayed to receive, quite recently, from the Cayman Islands Chamber of Commerce, a paper which purports to legalise ganja, cocaine and heroine, and which gives dissertations about the many solutions that such a position could offer to any Government, including the Government of this country.

I want to give the assurance to Members of this Honourable House and to the citizens of this country, that I have replied to the Chamber of Commerce and this is what I have said :-

"I have received the article you sent to me on the Dutch Government's drug policy of legalising drugs received on June 13th, 1990. I am shocked that your organisation would even contemplate the legalising of drugs as a solution to the problem in the Cayman Islands. I give you the assurance that as the Member for

Health and Social Services, I would never entertain such advice and as long as I am the Member of Government responsible for the subject, the Government will never consider legalising drugs in the Cayman Islands.

I am aware of the Dutch Government's claim to success, but it was quite clear at the recent World Summit On Drugs held in London that their country is not without its share of problems."

That is no solution to our problems. I talked with the Dutch Representative at the World Drug Conference who made a presentation on their purported success rate, and I asked him questions, such as: How many cocaine babies do you have? He did not know. It is not a crime, they do not follow it. They happen to be under increasing pressure from neighbouring countries because their port of Amsterdam is probably the single greatest port of entry for drugs etcetera into Europe. Their claims to success by legalising drugs, are rather like ours, where we do not monitor how many babies we have that are affected by alcohol because it is not illegal. We do not keep any statistics on it.

Once again, I want to give the public the assurance, that no Government of which I am a part will ever give consideration to legalising drugs whether it is promoted by the Chamber of Commerce or anyone else because the article goes on to say that drugs are sold freely in their bars, supermarkets and the teenagers have their cup of tea in an aroma of ganja and they go home giggling afterwards. We do not want that kind of environment in Cayman.

If this Motion is accepted we would only be giving the young people false hope since all that it asks for has already been done, or is in the process of being done. Mr. President, the Government cannot except this Motion. Thank you.

MR. PRESIDENT:

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Mr. President, I rise to support the Motion before the House. The aim behind the Motion is to find out the relationship between young persons, drugs and crime in the Caymanian society. This motion I believe, takes a different approach to the problems which exist, than any other motion in the past, which may have been related to this subject.

It seems to me that the Government Member who spoke not only inherited the Second Elected Member of Executive Councils Portfolio, but seems to have inherited the same attitude and lethargic approach which has been used for many years in dealing with this problem. He spoke about the usual militant autocratic and negative approach of the Backbenchers. Certainly he could not have read this positive peaceful and democratic motion which is before the House.

The Member who moved the motion has spent his entire career dealing with the problems of youth. He understands children and although he has moved out of the schoolroom, he is still keenly interested in youth and actively participates in sporting events and events connected with the schools and the church. I believe this Motion has been brought, as he said, because of discussion which he had with certain people that are concerned. For the Government to use the hostile approach which has been presented here this morning reflects badly upon the Government. But coming from a Government that is spending more time attempting to cling to power than they are spending on the problems that beset this country, it is no wonder that the, 'good ship Cayman' is floundering.

I believe before we get anywhere in winning the war against drugs or the war against crime we must first admit there is a problem. We must admit that the Government needs all the help it can get from the Backbenchers and especially from a Member that has the knowledge and ability to help the problem. What the Member for Health and Social Services should have said, "Come now, let us reason together, let us put our heads together, let us pick your great minds, let us help with this problem".

He calls the Motion unnecessary. How can anything that seeks to deal with the greatest single problem this country has be called unnecessary? I wonder if that Member has seen the Police statistics on crime since 1984 which says in 1984 there were four cases for cocaine before the Courts and today we are looking at several hundreds? I admit there has been a drop in crime related cases this previous year, but that is no reason for us to think the problem is being solved because the 1987 and 1988 reports were so bad, that they could not get any worse. A few weeks ago we thought we had seen the largest shipment of cocaine ever to come to these Islands when a little pot containing \$124 million worth had been found. But this morning on the radio we were told about men going to Court to answer for a case involving \$185 million dollars worth. This is not penny-ante stuff we are dealing with. This is what my colleague (referring to, in another matter earlier this week) called, "A high stakes poker game at noon".

I do not want to say I told you so but you can search the Hansards from 1984 when we had this dramatic increase in crime, particularly drug related, and the crimes that feed the drug habits. I spoke out at every opportunity I had against the escalating crime rate. Now it has reached the stage where, if I were to believe the words of the previous speaker, I would have to believe that we are doing all we can and that we cannot seek to do more by adopting this resolution.

He spoke about two other motions that had apparently failed on previous occasions but this is no reason for discarding this Motion; this good non-militant, non-autocratic, non-negative Motion which is before the House.

If we are ever going to help our young people, we have to talk with them. We have to put some of them as this motion suggests, on the Commission that does the inquiry because they alone have the evidence; they alone have the facts which may lead to the remedy. I believe the

young people are anxious to participate in a Commission comprising some of their own young people from each district forming a part and working together with the Government in an attempt to help the young people.

We do not want the attitude that I heard displayed sometime ago that we were going to write off a whole generation. I do not think we should ever give up because if we can save one life, if we can keep one person from going bad we shall not, as the poet says, "have lived our life in vain".

The Member concluded by saying that if we adopt this motion, we would be giving false hope to those young people in need. Can he really be serious or was this just something to draw me out?

The young people of today will be the Cayman of tomorrow when all of us, even the youngest Member in this Chamber will have been laid to rest. The young people of today will carry on this world. They will be the bankers, the legislators and the carpenters. They will be the workmen and they will be the fathers and the grandfathers of tomorrow. Our responsibility as a Government is to give them every opportunity we can so that they may be able to pass on to their children a better Cayman or as good a Cayman as they have inherited.

The Resolve section of this Motion could never be considered militant. It simply asks:

"BE IT THEREFORE RESOLVED THAT this Honourable House establish a Commission comprising two attorneys familiar with the criminal justice system; one representative each from Cayman Against Substance Abuse (CASA) and the Drug Advisory Council; and two representatives from each of the districts with one between the ages of 18 to 25 to investigate and report on the relationship between young persons, drugs and crime in the Caymanian society."

I fully support that Resolution and I would ask the Government for once to pull in their 'fangs', because this is a matter of national importance. Stop hurting the youth, stop picking at the Backbenchers, get on with the job of helping our young people.

MR. PRESIDENT:

Proceedings are suspended for 15 minutes.

AT 11:21 AM THE HOUSE SUSPENDED

THE HOUSE RESUMED AT 11:47 AM

MR. PRESIDENT:

Proceeding are resumed.
The Honourable Member for Education.

HON. BENSON O. EBANKS:

Thank you Mr. President.

If I believed for one moment that the people of this country did not have a good memory, and that they were easily fooled I would be very worried about the contribution of the Second Elected Member for Bodden Town who just spoke on this Motion. He commented on the militancy of the Member for Health, who responded on behalf of Government to this Motion and said that he had not only inherited the Portfolio from me, but he had inherited my militancy and obvious lethargy.

Now, surely it must have been noted during his contribution that there is no one more militant in this House than he. In fact, I thought at one time that he was going to eat the microphone. As to my lethargy, let me assure the Member, (and I have the proof of it in my hand), that there is no institution or individual in Cayman who has been waiting for a response from me to a letter or a proposition put forward in 1983 and 1984. That is the record of the Unity Team Government of which he was one of the leaders. It is an issue which I will settle shortly.

I have other letters, one of the first which I received upon resuming my seat in Executive Council in 1984, was from the then Governor asking me to try to deal with something that he had been trying to get settled for three years and I did it in three days. I am going to use that letter at the appropriate time. I believe that the Member for Health gave a reasoned and rational reply to this motion. The Member called attention to the Advisory Council on the Misuse of Drugs established by the Misuse of Drugs Amendment Law, 1988. He went to great lengths to explain the functions of that Council. What the Member was saying is that however well-intentioned this motion might be, it would be a duplication of the efforts of the Advisory Council on the Misuse of Drugs. This country already has enough duplication of effort and bureaucracy. What we need is some action and that is being done.

What the Second Elected Member for Bodden Town should have pointed out was that in this same Law, when the confiscation of the proceeds of illegal drugs was being proposed he did not support it. He argued against it. And, as for the Police statistics on crimes relating to drugs since 1984, I have said before and I will say it again, there is no magic why that has happened. Sure, Mr. President, in 1984 his Government was not using the urine test although the Law was on the books. You heard them say yesterday that they take their stand based on reason whether it is unpopular or not. That is 'hog wash'.

The Member who said that yesterday campaigned that if he got in, he was going to do away with the urine testing for the detection of drug use. They must put their action where their mouth is. It is because the urine testing was reintroduced in 1985 why the detection rate of drug abuse

soared, and you know what it did? For the first time it caused the country to realise the magnitude of the problem which we had with drug abuse. I argued then that the statistics that were being revealed were depressing but that it would have a salutary effect. Thank God the last report indicates a reduction in the use.

Now, having said that, I do not want anybody to believe that I am saying that we have the problem licked, but I am saying we are moving in the right direction. And that reduction can be directly attributed to actions which the Government has taken since 1984, not only in urine testing for detection, but the efforts which we have made to stop the trade by introducing such measures as the confiscation of wealth and assets gained from the trade.

Those are things that are biting and helping the society and we did not have the help of the Opposition to this Government in passing those measures, they fought it tooth and nail. That was another instance where this Government was taking away the democratic right of the people and their right to freedom, secrecy, choice and everything else. That was their argument then same as it is today on Motion No. 3/90 and their rebuttal to the Member for Health's contribution on this motion.

I am happy to say that the Advisory Council on the Misuse of Drugs is working well, and it has sufficient scope in its mandate to do all that this Motion is asking. That is all that the Member for Health has said, that there is machinery in place and that we should not be seeking to duplicate it. That if there is additional good will and help available, throw their weight behind that Drugs Advisory Council, CASA, the parent to parent program and the teen to teen programme against drug abuse. That is all the Member is saying.

You know that Member's record, the record of his Government is fraught with this type of approach. I remember one time, an Advisory Council on Sports was set up and it had something like 75 members. After two months they did not have a quorum attending the meetings. So what use was that? Pure show for an election campaign.

Let me correct the statement which the Member had made. He said that the Member for Health said that the motion was militant. That was not what the Member said. The Member said that they would use the Report from the Drugs Council in their usual negative militant way against Government. That is the difference. He did not say that this motion was militant. Copies of the Report of the Advisory Council on the Misuse of Drugs have been supplied to all Members of this House. It is my belief that the idea for this motion probably came from that Report, because they suggested that this should be done, or they were going to do it, whatever. But the establishment of yet further committees serves no purpose. Duplication of effort can only serve to water down what is already being done, and that is Government's position.

I want to re-emphasise about the drug related crimes. It is a fact that in 1984, they only had four cases because in those days you had to go out and grab everybody and have every ounce of proof that you needed. But with the introduction of the urine testing, that was something you could not say someone had put in your pocket.

That was the chief defence that the lawyers used to use and the Crown had to prove that it was not planted on them. They did not see fit to suggest that a law, a provision, a tool, which was at their disposal - the urine testing, could solve a lot of problems. That is why the number of crimes reported shot up. And that can be substantiated by the fact that the Police had a 100 per cent success rate on any charge they put against people for consumption and that was the greatest number of consumption offences recorded.

So as I said this Government has done its bit. As for my lethargy I already touched on this but I just want to make one further point. I have no apologies to make to anyone for the fact that I spend time thinking about any problem I am trying to solve. And I can stand here and say that because of that, I have saved Government and the private organisations a lot of money.

There would have been a lot of white elephants standing around this country if I had run in every direction that people were telling me to run. But I believe that any good administrator must get all of the information available on a subject and then make up his mind in light of that information which is available, if we will only seek it out.

I have to sort it out and thank God, I believe that the fight against drugs in this country today is going in the right direction, being education. Education in more than one way has effects on the human body, your personality, your ability to perform at your work, and effects on your own personal self esteem.

One last thing, and that is the reference to the large amount of drugs which was seized within the last day or two. I take off my hat to the Customs and Police who executed that seizure. But I would like to say that it is unlikely, and there is no proof that that consignment was intended for local consumption, it probably was just a fortuitous stop-over for the boat in question, or maybe even a transshipment operation. But that was not intended, in my belief, for the local market.

I am going to finish here because I want to go to Rotary and I hope that the Second Elected Member for Bodden Town will accept my invitation to travel in my car to Rotary because I know that he is not going to be able to drive himself now after listening to me.

I want to say, that in opposing this motion, it is being done on one simple ground, and that is duplication. I am not questioning the good intent or the concern of the Mover and the Seconder of the Motion. I am saying we are already bogged down with enough duplication and bureaucracy. Let us get out of this, let us reduce this bureaucracy if we can, instead of increasing it and get on with the job. Having said that, I cannot support the motion. Thank you, Sir.

MR. PRESIDENT:

The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I rise to support this Resolution. This Motion I believe, is not only necessary but is a must for this country. I believe, because there is no-one in the age bracket we are talking about on any committee (who will sit down and discuss their problems) then for that committee to report thereon. The motion is asking for a Commission to be set up to investigate and report on the relationship between young persons, drugs and crime in the Caymanian Society. I believe that we are all in one accord in this House.

On the question of the amount of drugs in this country, we all see the effects, and perhaps, some of us feel the effects (because of family members), and we try to do something to change the situation. The Member who just left the Chamber, the Member who gets up and spits out a lot of tripe and then runs off claiming he has got to go somewhere...

MR. PRESIDENT: I think you are getting a bit close on unparliamentary language now.

MR. W. McKEEVA BUSH: Mr. President, tripe has been used quite often.

MR. PRESIDENT: I said a bit close.

MR. W. McKEEVA BUSH: ...Well, I guess you have to protect him, he is not here and that is proper.

MR. PRESIDENT: I do not think that really is an appropriate remark for the dignity of yourself or this House to insinuate that the Chair has to protect a Member of the House. All Members of the House are protected equally in that regard.

MR. W. McKEEVA BUSH: Thank you for that, Sir, I believe that. That is the way it should be.

The Member who just finished speaking, talked about the large amount of drugs, that had been recently confiscated. All of us on this side of the House are glad to see this. What this Member hopes and prays about is that someone in Government will make certain that those drugs do not find their way onto the streets of this country. I have in the past reported certain people dealing in drugs and those same people confronted me on the street and asked, "why am I giving them so much problem?" So, I would hope that those drugs do not find their way onto the streets of this country or into the hands of our young people.

The Member I knew would oppose this motion because he took it to a public meeting the other night in George Town and degraded myself and the Mover on this Motion. But, I would challenge that Member to do as much in his constituency as I have done in mine. I would challenge him to do as much for the young people, as I have done. I knew about the programme that Government has. I helped by way of resolution in this House to initiate some of them.

You hear them talking about Youth Workers for the Churches, that was a programme that McKeeva initiated at district level, and the Member who just departed took it up. But you are not going to hear them say, that that programme was my idea. But it is all right, once they are giving the Churches the money that I want, I am happy. I do not need to get credit for it. It is not going to buy them any votes, let us put it that way.

Now, he said we are doing nothing to try to assist them. He said we have made no attempt to work with them on a certain district programme. I wonder which programme he is talking about, that I was invited to, that I have not attempted to address? I wonder if he could tell this House, since he is good at accusing. But let me tell him about a district programme put together by myself and might I add, without any cost to Government.

I believe that you have a copy of the West Bay Community Center, that Member also has one. The Member for Education, who is responsible for Education and doing nothing about it, he has one also. The Department of Social Services has one. What did they do to help McKeeva with this? Mr. President, let me tell them a little bit about this programme since we are doing nothing in our districts.

The objectives were to strengthen and improve the quality of community life through a centre offering a variety of services or the physical and mental development of members of the community; to foster civic pride on two levels. One, coming from the recipients to the services whose sense of community will strengthen and the other coming from the feeling of neighbourhood unity created by projects which are from the community for the community, to identify and involve community leaders to work along with the Education and Social Services Department as much as possible, so as to achieve the above.

What are those programmes? A child development programme, counselling session, better parenting, after school care, arts and crafts session, lessons in etiquette, sessions in deportment, environmental information, competitive and noncompetitive games, big brother and big sister programmes, cultural events including drama, which cater to various ethnic groups and field trips.

Mr. President, where did I say the funding was going to come from? The combination of Government and community and the centre's work would be directed through three avenues: Social:- sports, cultural, field trips and indoor games, Educational:- careers, a job search, craft classes, child development, health habits, a spelling bee for the districts and counselling:- better parenting, peer assistance, big brother/big sister programmes, again child development, and careers.

I could go through this but I do not intend to take that long because it will become a public document. And the aim that I put together at my own expense was that the West

Bay district would be a model for the other districts and this, more or less, would be a pilot project. I came to Finance Committee when they called us in last time, to ask them to take into consideration putting together \$70,000 which would pay for a director for this center and hopefully two youth workers.

That same Member laughed at me, and the Member for Tourism had his little piece. He can come afterwards but he said that George Town has as many problems. All I am saying to them is get on with doing something in their districts, as this is what I am attempting to do in mine. They should not try to stifle what we are doing and then come on the floor of this House and say that we have done nothing. Not only that, he got up on the platform and degraded it, but that is all right. Thank God, I do not have the consultants that he has behind him, and what I am doing is not costing Government the amount of money that his consultants have cost him and did not even put it out to public tender.

So much for that report. I hope that they take what was said in Finance Committee and put it in the estimates for 1991, because this is what is needed. I do not have to get anyone of them to do it. I see the need in my district, I see the need throughout the country and I try to remedy that. All that I keep kicking myself in the backside for, is that I should have been in his seat, where I could have gotten the things done without having to listen to the bumptious attitudes and the ignorance and the spite that comes across from the Members, when we are only trying to do our best to help our young people.

He talks about militancy, and you know the other thing is, they like to talk about my education. What a laugh when you hear the pronunciation coming across from those professionals, "a cadet corpse". Can you imagine? I thank God that I went to Miss Beulah Smith, Redley Powery and Miss Genevieve Bodden who taught me with a slate. They gave me the basics. I thank God, I did not take Government's money and go to University to come back and call a corps a corpse. A "corpse" is what they are trying to put this whole country into.

If he wants to help with the districts, let us realise, as the whole country has realised, that the need and the place to start with our social programmes and social development is at district level where we can reach one and all. We are not going to reach those girls with the cocaine babies. We are not going to reach those girls hooked on drugs and walking the street every night. We need to be in the districts, and he must understand that. I am going to keep pounding that into his head, every opportunity that I get. We need to address our social programmes at a district level where it can reach all and sundry.

The problem with them is, once that programme, like this one, does not come from Executive Council, it is no good! Mr. President, 50 million Frenchmen cannot be wrong. Their attitude is one of the reasons for the split in this country today, because we want to be a part, we want to assist, that is what we were sent into this House to do. But when a Government gets to the point of believing that they are the only ones with answers and that they have a prerogative on brains, this country is bound to suffer. That is the problem today, those four men over there, do not have all of the answers, and we have people on this side, even if I am not one of them, that are qualified to assist and I believe with my practicality, my willingness, and my strength of character to get things done, I can do as much as any of them. No one has a prerogative on brains. No man is an island unto himself.

We want to assist, we are not being militant. And yes, the First Member for Bodden Town and myself, have talked about a cadet corps. I believe some kind of association like that would help our young people, because what we need is discipline in this country. We need to teach them to be on time for work; that hard work is good, that is the sort of thing I am talking about, and even if you have to whip them, let that be understood too.

Mr. President, the cadet corps, we say it might have been called Young Caymanians or something. Nobody went out on a public platform, and took it to the people and said this is the programme that we want and the young people turned us down. Which group of young people went to the Member for Social Services and told him that they do not want a cadet corps? Since he said that we have found out that the young people do not want it, let him get up and tell this House where he got that information from instead of talking to the wind. Give us the facts that the country does not want this. Give us the information! I guess you will hear tomorrow morning that you have a petition from Benson's supporters in West Bay that I am talking too loud. That is just my way, I am sorry if I talk a little loud, but that is well meant and it is coming from the heart and the head.

One of the reasons why this motion is before this House today is because the Member for Social Services is not taking the advice given to him by the Committees, which he has set up. The Drug Advisory Council has said it in their Report. He thinks we do not read it, we read it, but we are waiting to see what he is going to do. When he does not take action, it is our duty to. That is the line of the Backbench. To kick them in line when they need to be kicked, and this is why the Motion is before the House. I do not see what is so out of order about this Motion if the Drug Advisory Council agrees with us that some group of persons need to be appointed to look into these things. I have said it before and I will say it again, this country will get nowhere with the attitude that comes from Executive Council. We have supported them, what more can we do? They brought seven Bills, we supported six. The one that we did not support, the public rose up and they had to bring it back the next sitting and repeal it.

This is why the country is suffering because they will not listen. They will not listen! Yet they are blaming the Backbench for everything, you heard the Member for Education in his presentation. Mr. President, they have to stop blaming everyone for their folly, for their mistakes. They have to take the blame themselves.

Do not talk to McKeeva about what the Unity Team did or did not do. The Unity Team is not in this House even if some of their previous members are here. We have a responsibility. Do not talk to me about what they did or what they did not do. Tell me what you are doing to solve the problems in this country today. That is what I want to hear. Show me the results of the expenditure of

Government's money on these programmes that we hear about. Tell me, that in my district I will not have to get up at 2 o'clock in the morning and take young girls home to their parents, and their parents knock my door down to get me to assist them. Tell me that the money that they are spending is affecting that kind of situation, will lessen that kind of situation and I am happy. Do not come here to blame every man and his dog, and say that they are the cause for the problems of this country.

We put four people in that Executive Council expecting them to listen. We must listen as well, it goes for both sides. But they have to listen. Seven people and sometimes eight cannot be wrong but everytime we get up to offer a solution on a situation that we see existing, we are criticised to the lowest. We are talked about being ignorant, we are talked about being militant, and when the First Elected Member for Cayman Brac votes with us, he gets branded the same way. It is simple. If you do not see their way, you are nothing. I am sorry for that kind of attitude, I am sorry because it is causing this country a lot of serious problems.

Now the Member for Education, as usual, likes to get up and thump his chest saying, "What a good boy I am." You know, I heard that Member, giving himself credit for the Banks and Trust Companies Law at one time. When that law was passed in 1966, and two other Members, Capt. Eldon Kirkconnel, and the late T.W. Farrington were Members of this House, and Members of Executive Council then, that Member was only a junior Member. He had just got elected into the House, when the Committee for that Bill was studying it for years. Let them do their work and stop trying to take credit for something that somebody else does.

The Member talked about what he has done. Well, his lethargy, he has plenty of that. From 1975 the Member for Education has been promising a juvenile centre. We are still today in 1990 sending our young people to those dirty, nasty homes in Jamaica. I went to the Member for Education and asked him, let us send a group up there and see what the position is. He would not do that. I went on my own, and I witnessed what those children have to put up with there. I say it is time that money is spent on those kind of projects in our country instead of talking about two-site hospitals. It is time that money is spent on those kind of things, rather than putting a Post Office on Seven Mile Beach. It is time that money is spent on those kind of things, rather than grandiose highways, which we may never need. And, the Member who just took over from the Member for Education and had the Portfolio for Social Services, it is his Caring Homes Report that have recommended that this facility be built as a matter of urgency. It is his committee with his Principal Secretary as Chairman, that has recommended these things. It is his committee that has recommended that a juvenile magistrate be appointed to regularly sit on a Juvenile Court. When I brought that motion here, I was laughed out of the House by the Member for Education, who gets up and says, "I do everything right."

I was laughed out of the House, Mr. President. Yet you have today people who sit on a committee set up by the Member for Social Services, who are recommending these things. What is the Member doing about it? What is he doing about it? Let us spend our money on those kind of things and Cayman will be saved. Let us take care of our young people, these projects that they are claiming. How much effect is it having?

Let me give you another reason why the country is suffering, and why our young people are suffering and falling further into degradation. Two or three years ago, myself and the now Member for Health brought a resolution to the House to build a Rehabilitation Centre. What happens? He gets in the Executive Council and he changes his mind. A Rehabilitation Centre is not what the country needs, it is a grandiose project and as far as he is concerned you can write off a whole generation. What next? He comes to the House this week or sometime ago, he told us, the Rehabilitation Center is not what is needed, we need half-way homes. It was a big thing about half-way homes for months. They even got their supporters in West Bay to write a nasty letter in the paper about me and what I suggested about a half-way house.

Now we come to this sitting and the Member stands in the House under questioning from myself and tells me that he does not believe we need a half-way home. What do we need Mr. President? What do we need? It is the inconsistency of their policies that is wrecking the future of this country. They are not steadfast and founded on a sure foundation.

Let them get on with the things their Committees recommended to them, and then we would not have to bring Motions that are saying the same things that their Committee Reports have said.

Now I will sit down and be a nice fellow again. Let me reiterate, all I am saying to them is that their Committees have suggested this and they have done nothing. We are saying put it in place. That is all, we know the need. I think that all of us agreed that we have a need, and I will beg again that they put the money in the estimates for this programme so that I can get on with it in West Bay.

Thank you very much, Mr. President.

MR. PRESIDENT:

Does any Member wish to speak? I really think we should hope for another Member to speak rather than adjourn quite so early.

Sorry, are you replying to the debate now? I was giving ample time. The Third Elected for George Town just signaled. Thank you. I think it is best to give as much time as possible, but I know it is difficult because other times you think I do not.

MR. TRUMAN M. BODDEN:

Mr. President, I support this Motion and I am very surprised to see that the Government is not supporting it, because as I will go on to develop, it is abundantly clear from the Report of the Drug Advisory Council on the Misuse of Drugs of 1990, that it is vital that a committee be set up to deal with these and similar matters.

What seems to be most frightening is that despite what has

been done, the problem of drugs is one which is increasing in intensity and also it is increasing in complexity. I have always believed in listening to people. Anyone, I believe, who listens can learn something from anyone else regardless of who that person is that he is listening to. I believe that there must now be established some committee, such as this one, which looks at or investigates and reports on the relationship between young persons, drugs and crime in the Caymanian society.

This does not by any means, mean (and I want to make this abundantly clear), that the present committees, such as Cayman Against Substance Abuse or The Drugs Advisory Council, the youth clubs, the churches or the service clubs, whatever, are not doing a good job. That is not the issue presently here. I commend them, each and everyone of them for what they have done and the efforts that they have put out. However, the solution to the problem of juveniles and drugs is complicated by the fact that I do not believe that there exists the understanding of the problems of the modern youth sufficient to be able to adequately find sufficient solutions to the problem.

This Motion to establish this committee, has been criticised on the basis that it does not have within it a solution. The Commission that this seeks to set up will be one which will investigate and report, within a reasonable period of time, on the relationship between young persons, drugs and crime. That committee must be useful to the Member for Health, who has the responsibility for this and it must be useful to the other present committees, bodies and councils that deal with this problem. There can be no doubt that the single and most complex problem within our society is drugs, and that complexity is inflamed when it touches juveniles and young persons.

The reasoning behind the Advisory Council's 1990 Report, which I will go on to deal with in some depth, has to be a fact that to all appearances, much more has to be done. While, and I reiterate this, we are thankful for what is being done, we cannot shut our eyes to continuing to deal with this mammoth problem within our society. And one needs only look at statistics which, incidentally, the Council's Report also deals with.

The Council feel that a difference of some 50 per cent may exist in relation to what relates to juveniles. This is clearly shown in the Statistical Abstract for 1989 where you have crimes which involve juveniles moving steadily upwards from 22 in 1984 to 54 in 1985, 71 in 1986, 68 in 1987, 136 in 1988, and 167 in 1989. I accept what the Member has said of the interrelationship between crime, drugs and juveniles and that many times these go hand in hand. There is a demand for drugs, and a crime is committed to get the money to satisfy that demand. It does not, in my opinion, permit us to shut our eyes to the fact that it is a problem that is increasing. I am not going to get to any extent into the load of past and reaping up of problems that the Member for Education did, contributing practically nothing and confusing the history of politics in these Islands. But we have to accept the fact that at present we do have a problem that if anything, I mean just about anything possible that can show a light of saving one life or helping one juvenile, it must be done.

Those statistics, (and I will finish with these, Mr. President), show, for example, that the prison population has climbed considerably to some 485 in 1989, and in fact that Report mentions, despite this drop in crime, the number of Court cases and the prison population continued to rise in 1989 to 6,204 crimes and 485 persons in prison respectively. So let us not, at this stage, say that something more does not need to be done.

What also needs adjustment is, I believe, the attitude of the Member for Health, the Member responsible for this, towards his Portfolio and the people of this country. Because we find on the one hand, in some Motions they are saying that the people do not understand, in others they are attempting to show this in instances where the people must not only not understand, but must also bury their heads in the ground. In relation to this we have to appreciate that when you are looking at attitudes or instances where I personally feel that Government, in its more recent saying that is coined, "That Government must have its way", we find the Government shutting its eyes to looking hard at these problems. And I want, (sorry I was going to go on to read from the report, I thought that you were going to say something)....

MR. PRESIDENT: I was indicating the time, please finish your speech.

MR. TRUMAN M. BODDEN: Mr. President, I wanted to go on now, to read from the Advisory Council's Report. I would be some time, it is about three pages, so it would be good to adjourn if you so wish, Sir.

MR. PRESIDENT: Proceedings are suspended until 2:15 p.m.

AT 12:46 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:26 P.M.

MR. PRESIDENT: Proceedings are resumed. I am sorry for keeping you waiting for a few moments, there was a misunderstanding.
The Third Elected Member for George Town continuing.

MR. TRUMAN M. BODDEN: Mr. President, I would like to read a few passages from the 1990 Report of the Advisory Council on the Misuse of Drugs. At page 36, it says,

"Throughout the interviews conducted by the Advisory Council on the Misuse of Drugs in compiling the 1990 Report, there was found to be a basic link between

juveniles in the drug trade, forged in part by a growing trend of inadequate parenting and in part by inadequate legislation that serves to protect juveniles from the law.

The current legislation regarding juveniles is so deplorably inadequate that neither the child nor his/her parents are held accountable for their actions and there are no real consequences available to the Juvenile Bench with any punitive deterrent value or rehabilitative hope for the future."

From there I would like to go on to touch just briefly on another matter before going on to deal with the need for a juvenile committee which it has set out. And this has here the need for a juvenile correction centre and it says:

"first as is mentioned above, there must be a residential juvenile correction....."

POINT OF ORDER

HON. BENSON O. EBANKS: Mr. President, on a Point of Order. Is not the matter of juvenile legislation the subject of another Private Member's Motion that has been circulated? The Member has to be anticipating the debate on that Motion.

MR. PRESIDENT: This is the Motion I would think that refers to the United Nations Convention on the Rights of the Child. Is that the one you have in mind?

HON. BENSON O. EBANKS: I think it is the "**Whereas**" in that, Sir.

MR. PRESIDENT: Yes, I now have it, it does open "**Whereas** Government has promised for sometime to review the juvenile legislation," which I think therefore is a matter which will come forward later.

MR. TRUMAN M. BODDEN: Mr. President, I had finished on that, but with all due respect the Report that the Member for Health has said that Backbenchers have not read, I was dealing with that aspect and touching on these sections under "Juveniles" in that Report, which I think are relevant to this. I am not saying they are not relevant to the other Motion. But I am just reminding the Member for Education, Sir, that after referring to us as negative, militant, and autocratic in our approach, went on to say we did not read his Report. Now I would like to read another section from that Report before I come on to the committee part, because it leads up to what I am going to say, Sir.....

MR. PRESIDENT: Fine, as long as we do not have to anticipate a debate, it appeared that you might have been going to, I think.

MR. TRUMAN M. BODDEN: No, I have finished on legislation. The other one that I would like to read from is the need for a Juvenile Correction Centre, which is paragraph B and it says:

"First, as is mentioned above there must be a residential juvenile correction center for convicted offenders.

Secondly, there should be facilities, be they caring homes, foster homes or some combination of the above, to care for juveniles who are not convicted offenders but rather, unfortunate children who through no fault of their own need to be placed in alternate homes and given professional counselling where necessary.

The Council feels strongly that these children should not be mixed with convicted offenders. The third type of facility should be an adequate place of safety, other than the West Bay lock-up.

(Then they go on to paragraph (C)).

"A second problem continues to exist in the fragmented approach taken by several government departments who offer services to juveniles. Social Services and the Cayman Counselling Center seem unaware of what the other department is doing. There is also a need for more cooperation between the Education Department, the Schools and Social Services."

If, the Member for Education and the Member for Health had tried to comply with that paragraph, I believe a lot of our problems could have been wiped out. Because what is obvious here from this paragraph of the Report, is that the right hand of Government does not know what the left

hand is doing in relation to some things relating to juveniles. What they need to do (rather than the Member for Education reaping up the past, and for the Member for Health going on to say how good he is and how much he has done) is really to begin to try to pull together between themselves, and their departments and try to get this together.

The Council goes on to say, and I am reading from the Report:

"The Council is further concerned at the discrepancy between Police statistics which show very little juvenile involvement, six cases in 1989 in the drug trade and the Social Services Department, which feels that more than 50 per cent of all the cases brought before the Juvenile Court are drug related.

This fragmented approach accomplishes little and leaves problematic situations unidentified, allowing them to blossom into more serious and complex situations."

(And then Mr. President, it goes on to say):

"The Council recommends that a committee be formed to develop a holistic case study approach to analysing and dealing with individual troubled juveniles by calling significant adults, parents, guardians, teacher, minister, social worker, etc. before the Committee to consider and decide on the best options for dealing with correcting the problems of troubled juveniles".

(Reading on)

"The Council recommends the establishment of a Juveniles Committee to deal in a more holistic way with the problems of troubled juveniles."

Very clearly it is a recommendation of the Drug Advisory Council that a separate committee be set up to deal with the case study approach to analysing the problems. And this goes on, because the more relevant part of this is yet to come. It says in paragraph D, which is headed "The Need for Hard Data on Juvenile Drug Involvement".

"Children today are aware of a lot more than many adults give them credit for. They know who in their social circles takes drugs and they know where to get drugs. This knowledge in itself not only puts them at risk, but results in other pressures including peer pressure to get involved and peer pressure not to talk."

The Council emphasises that both the existence of the illegal drug trade in these Islands and the active involvement of some juveniles in it, have an indirect but nonetheless serious impact on all juveniles. There lies the reason why this new commission or committee should have younger people in it because we are being naive, I think, if we as adults believe that juveniles do not know what is going on out there and many times things that we do not know as adults can be contributed by bringing them into the commission, listening to them and asking their approach to dealing with certain aspects of it.

Then, the 1990 Report from the Misuse of Drugs Advisory Council goes on to state:

"The Council recommends that all available information on juvenile drug involvement be compiled by an independent group or other agency and that this information be passed on to all departments and agencies geared to dealing with juvenile problems."

That is a very clear statement, and it is in no way saying that the law that sets up this body is all that is needed and this Council is all that is needed. They specifically have stated they feel that there should be an independent group or other agencies, set up to produce the information in relation to juvenile drug involvement, to pass it on to the departments and agencies geared to dealing with juvenile problems. That is why I was caught aback and somewhat unprepared, because I expected that this Motion would have been accepted by Government. If they did not like the wording of it then amend certain sections of it, or something, or at least come back and say, "Look we would like this amended in a certain way", but what we seem to be running into constantly in this House is Government's approach that they must have their way.

The question of compromise seems to be a thing of the past for them. It is their way or no way, and that is why on matters as important as these and where you have recommendations to set up an independent body or group of people to deal with aspects on the juvenile side, I think that the Motion is timely and there must be some way that this can be dealt with to try to get on with it. Quite frankly, when you read through this Report it is really alarming. It is something that most people do not really expect would exist out there in the young person's community. What definitely needs to be done is to get on with the job!

I am not saying that efforts have not been made by the Portfolio

and the Departments. I have already said, I think the bodies such as CASA, and this Drug Advisory Council itself are doing a good job. But if there is a hope that one young person out there can be saved or can be kept away from drugs, then we have to take whatever course is necessary to do so. And I come back again to attitudes. The attitudes that we have seen displayed here from time to time, of taking the approach that whatever the seven Backbenchers do or suggest must always be wrong, is really a frightening approach. I say this because I lived for eight years in a Government where we had Backbenchers and our approach was communication. Talk to them. There were times when we, as a Government, could not bring a Motion because Backbenchers said they would not go along with it, but that is a process, but at least there was some communication between the Government of those days and Members of the Backbench. And this is perhaps the most worrying thing in all of this. If the Government is not prepared to accept this part of the Report, then come out and say so. But it seems to me a waste of time to strike down a Motion before this House and only to have in the near future, to go and implement something which is similar to it.

When it comes to dealing with the young persons of this country, if it is not properly dealt with, this country is doomed. And whatever is necessary in money, funds, people, resources, or whatever, has to be put at the use of the different service clubs of the Government, of CASA and whatever is necessary. But I believe even more importantly if we are not fully seeing the problems which this Commission referred to here, would be doing; if we cannot truly find out the full extent of the problem, we can never produce a solution to that problem. I do believe that this is one of the things that is missing, that is lacking in this fight against drugs and crimes. And most frightening is that it is now down unto our children of a fairly tender age.

I guess, perhaps some good day, the light will probably appear to the Government on this and they will find out how important this is beyond many of the other materialistic sides of roads or whatever, that a lot of time has been spent on. I guess I had better move a bit away from that for the time being.

A statement was made about an article that was sent to the Member for Health by the Chamber of Commerce. I also got that article. There was nothing in what was sent to me to say that the Chamber of Commerce was saying that we should legalise drugs. I would hope that they or nobody else in this country even thinks that. But on the other hand, I filed it with reports and other matters relating to drugs, as a reference which could be looked at if one wished to look at it. I did not even read all of it, I must admit. I read just a part of it, but I never got the impression that the Chamber of Commerce, nor did they say and nor was there anything to imply that they were attempting to legalise drugs in this country. Obviously, the little I read on it, it did not seem to work where it was tried in any event and it is unfortunate and I do not know where the Member for Health got the view that this was being moved around for the purpose of Cayman attempting to follow that example.

However, the part that I read it was enlightening to see that attempts are being made and some failures elsewhere. At least I did not take it as advocating what was in there. In fact, I have gotten a lot of clippings from the Chamber of Commerce from time to time. It just comes with a complimentary slip, and they are really sent for information, whether it is on drugs, pensions, or whatever it may be.

I am not going to attempt, to reply to the whole argument of the Member for Education which seems to have been based on the past. But quite frankly I get tired of having to spend time in this House trying to deal with past matters when we are really here, with a resolution that is looking to the future. One author said, "people who live too much in the past, rape the future"; and it is something for the Member for Education to think about.

Only to say, in relation to his side of it, that I would very much like to see communication between the Education and the Social Services Departments and the respective agencies. I think that that has to be brought about as a basic principle to fighting this problem, because while a large part of the responsibility rests with the Member for Health, those young persons are being schooled for the larger part of the day, for most of the year, in schools that the Member for Education is responsible for. I believe that this part of the Report from the Drug Advisory Council should be implemented. Not even, I do not want to say it should be just accepted. I think it must be implemented at a very early stage and I am surprised that it has gotten to this stage that they themselves have to make it or highlight it in a report such as this.

So, I do not feel, as does the Government, that this Motion (which is aimed at a good move towards dealing with the relationship between young persons, drugs and crime), should be rejected. I feel that it is good. I think the more information we get on the problems and the involvement of the young persons themselves, which this report clearly states that the younger generation are very aware of what is going on. Set up some type of a committee or commission, which will have young people on it and will represent the districts, CASA, the Drug Advisory Council itself. Presumably they would all be happy to serve, and spend a bit of time looking, investigating and reporting on this most important matter.

I would like to see Government increasing the time, money and the effort on these subjects, and spending a lot less time on far less important subjects, because in the end if we do not find a solution to this, it is no good ending up with a lot of materialistic things. In the end, what we are going to have is a society of younger people, who are going to be the leaders of tomorrow. We may well find that the country could perish from within, because of our lack of paying more attention to this most important problem.

So, I would say again to the Member for Health and Education, join hands and look at this problem. We, the Backbenchers are prepared to support and do everything that we can to assist you. However, try to get some communication going, and see our side of this most important matter as well. Let us see if together we can get something worked out and see if we can help the young persons out there who need it. Thank you.

MR. PRESIDENT:

The Honourable Member for Communications.

HON. LINFORD A. PIERSON:

Mr. President, my debate and contribution on this Motion, hopefully will be relatively short. I would like to congratulate the Mover and Seconder, for this Motion and for the contents of it. Even though at this point, it can be seen that it has indeed been overcome by events and by actions that have already been taken by Government.

It is unfortunate that the motion had to create so much sensationalism and emotion, but I would wish to point out that my understanding of the Government's position in not accepting this motion, does not at all imply that the motion in itself is not well thought out, and is not a good motion, as it is worded.

The point is that to accept this motion would indeed put Government in a position where they are duplicating the efforts that have already been taken in this matter, and that are indeed contemplated in this motion.

Before dealing specifically with this motion, I cannot allow this opportunity to pass without commenting on the views expressed by The Third Elected Member for George Town, in relation to the Honourable Member for Health's comments on the article he had received from the Chamber of Commerce. I am not here to accuse the Chamber of Commerce of wishing to have this Government adopt a policy of the Dutch people. But it strikes me somewhat strange that the Chamber of Commerce would receive this article entitled, "War by Other Means", and have sent this to the Member responsible for the policy on drugs, without just having some meaning.

My question is, why was the article sent to the Member for Health? Basically, the article is suggesting that the Dutch Government is

MR. PRESIDENT:

Are you making a Point of Order?

MR. W. McKEEVA BUSH:

I was going to ask the Honourable Member, if he could let the House have a copy of this article that he has referred to and that the Member for Health has referred to. I think it is in Erskine May that it is required if you speak from an article, you are required to table it.

MR. PRESIDENT:

I do not know if that is necessarily so, but I am sure the Member would be quite happy to provide copies.

HON. LINFORD A. PIERSON:

Mr. President, the Third Elected Member for George Town also referred to this article and I do not recall him being stopped and asked to produce a copy, but I would be more than happy to produce a copy of this.

I was saying, what this article deals with specifically, is what they call "Tolerated Drugs". That is what the country is prepared to tolerate and the effects. This article goes on to state the beneficial effects that they have seen in the Dutch society as a result of these tolerated hard drugs or marijuana. I wonder, I ask the question again, why would the Chamber of Commerce have sent this to the Honourable Member for Health, who is responsible for policy on drugs? I say no more on that, Sir.

The main issue here why the Government cannot accept this Motion is not, as I mentioned, that the Motion itself is not a good one but mainly because the Motion has been overcome by events. The same facts, that the Motion purports to accomplish are already contained in the Drug Advisory Committee's Report. The matter is now receiving urgent attention.

The Honourable Member for Education also stated that this duplication could only be a waste of time, if the same matter is being duplicated or being done all over again. It does not imply that the rejection of this Motion is an indication of any insensitivity on the part of Government. Not at all, Mr. President. I will point out the benefits through the efforts of Government that have been made in the reduction of the use of or misuse of drugs in the past 12 to 24 months.

The problem of drugs in this country is not a singular one. It is not one only for the Government to contend with, it is indeed a problem that faces each member of our Islands' community; it is a problem for the Members of this Honourable House, collectively and individually; it is a problem for the Chamber of Commerce; it is a problem for the Cayman Bar Association, for the Churches, and for CASA. It is a problem for each one of us. Not only for the Honourable Member for Health, he is the Member that has been given responsibility for setting policies, and the problem is one for each one of us.

This is why I am happy to see that this Motion was thought about. As I said, I would be the last to say that this is not a good motion. My point is that it is out of date, it is somewhat redundant in view of the fact that the same points that this motion purports to accomplish are now being fully addressed.

The lack of parental guidance and control in this country is the major problem facing our youth today. As a Justice of the Peace I have sat many times in the Juvenile Court and I have said to my colleagues, to the fellow Justices, and they have said the same to me that it should not be some of those kids coming before us to be punished or to be judged but it should be their parents. I cannot understand how any parent can look at a Justice of the Peace and say that their eight year-old and nine year-old are beyond parental control. That is the hub of the problem in this country, especially with the juveniles getting involved in drugs.

Another point which previous speakers raised was that the Honourable Member for Health stated that he supported a generation being written off. This was completely taken out of context, and what the Honourable Member, as I understand it, was saying is that those individuals who are

addicted to the use of hard drugs, there is very little chance of pulling them back, through education or otherwise.

Much has been done by Government in addressing the drug problems in the Cayman Islands. It struck me as being somewhat strange that the Third Elected Member for George Town could be so critical of Government, yet he read from the 1990 Report of the Advisory Council on the Misuse of Drugs which report was commissioned by the Honourable Member for Health. I recall that that same Member was the Member for Health for eight years from 1976 to 1984. I have yet to see a comprehensive report of policy guideline prepared or formulated by that Member. Perhaps he will say that there were no drug problems in that period, but statistics will show differently.

The Third Elected Member for George Town quoted certain statistics but statistics will tell you what you want to hear or what you want to know, and the sin of omission sometimes is as bad as the sin of commission. The Member omitted a number of relevant facts in the recommendations of the Drug Advisory Council which made a number of sweeping all-encompassing recommendations. They recommended on the question of Customs and Immigration in this country with regards to visiting vessels, cruise passengers, etcetera. They also recommended the Anti-Drug Enforcement Service, the Police, etcetera, in particular the responsibilities of the Marine Police; they also dealt with the question of the Drug Squad.

On the question of drug trade and justice, they dealt with the Legal Department, the Criminal Procedure Code and the Juveniles Law. They went into a lot of details but in particular, in relation to the juveniles, the Report stated:

"The Council recommends that the revision of the Juveniles Law be completed and presented to the Legislative Assembly at the earliest possible opportunity for approval and implementation."

The Council recommended the establishment of a Juvenile Committee, which is now being done by the Chairman of this Committee. So it is quite clear that the resolution of this Motion is already being acted upon.

We have also heard in this House, and these statistics were read by the Third Elected Member for George Town, that things are getting worse and worse. Again the Member, for whom I have a lot of respect, has read from this Report what was convenient for him to read. I note here that in the same Report that the Member read from, and this is Part 4 of the Annual Report of the Royal Cayman Islands Police, for 1989, Paragraph 3 states"

"The reduction of 427 in the number of overall crimes reported is particularly welcome."

I did not hear the Member state that. It goes on to say:

"It is difficult to be definitive, about the reasons for reduction in overall reported crime as many factors can influence the outcome."

Specifically, and particularly in regards to drugs, the Report had this to say:

"The significant reduction in the number of arrests for drug related offences, cannot be used as an indication that the drug problem is lessening. That may or may not be the case. Police statistics alone are just not a reliable indicator. Two factors other than any reduction in the consumption of drugs have probably lead to lower number of drug arrests. These factors are the directions for the Drug Squad to concentrate on significant dealers. The increasing assistance we give to U.S. Law Enforcement Agencies on legitimate drug related enquiries in Cayman".

All these policies have been put in place or otherwise improved under this Government. When we look at the basic statistics, we see that in 1988, there were a total of 208 cases reported under the Misuse of Drugs Law, Law 13 of 1973, as against 139 in 1989. I have to submit that this is a significant improvement in not only the reporting of drugs, but also clearing up these problems. We cannot ignore these statistics, and while we are not happy that there is still a drug problem in this country, we have to be honest and fair that there is a marked improvement in this problem.

It has to be admitted that the Government Bench is totally committed to the eradication of drugs in the Cayman Islands, as can be seen and attested to by the results over the past recent years. The question of drugs is a two-fold problem. It is firstly, a problem of demand and a problem of supply. The law of demand and supply takes place, and to effectively address the problem on the demand side calls for a more concerted effort in educating our young people and older ones alike. But I submit that this cannot be done alone in the schools. It must also be done in the homes and at a community level. We are our brother's keepers, and if any of us know that anyone is involved in the illegal trade of drugs or use of drugs, it is our responsibility as citizens of this country to report it to the proper authorities.

On the education side it is hoped that we can teach our young

people not to use drugs, that they will see the harmful effects of using drugs, and that they will say no to drugs whenever it is introduced to them. But there is another side to this problem and that is the supply side. I am happy to see that Government and the Finance Committee agreed to increasing financial allocations and provisions for more police in this country, and hopefully this will have the desired effect of reducing this scourge in our community. I hope that every effort will be made in detecting the big suppliers that bring in this stuff; finding them and bringing them before our Courts, because the Courts in this respect should be no respecter of persons, as I am sure that they are not.

I am saddened when I read the statistics of the number of young people in Northward Prison. Even some of the heinous crimes that we have had in Northward Prison are directly or indirectly related to drugs. This is the reason why I commended the Mover and Seconder for this motion. Government's position on this is that it is a good Motion, but the resolution of this motion is now being acted upon by Government. To have accepted this motion would have been a duplication of Government's efforts.

I am not here to say that the choice of words of the Honourable Member, in replying to this motion, was acceptable by all, perhaps not. But we all have our idiosyncrasies and our style of speaking. I have heard Members on the opposite side of the House speak in very strong terms, as I heard today from the Second Elected Member for Bodden Town and the First Elected Member for West Bay, but this is their democratic right. I am going to be the last one to get up in this House and criticise them for that, because I am also capable of speaking as strongly as the next man, if I so wish. So that does not intimidate me at all, but the point here is not whether the Honourable Member for Health might have spoken in a bit of a rough manner. The point and the most important point here, is that this motion, while it is a good one, is now being acted upon by Government and for us to have accepted this would have been duplicating Government's efforts and thus a waste of time.

I too wish to join the Third Elected Member for George Town in saying that we wish to work together. This has always been our position. I think this is well known by the general public despite what they may be told. They know that we have, on many occasions, held out the olive branch but we have also been clobbered on the head. We get that all of the time but that is a part of the political process. When we entered into politics, we realized that it would not have been a bed of roses.

I was listening yesterday, to a debate on C-Span in the U.S. House of Representatives, and there was a speaker attacking Pat Robertson. Our debate in here could be likened to a Sunday School class if it was compared with that

MR. PRESIDENT: Would you mind taking a break at this point?

HON. LINFORD A. PIERSON: Thank you, Sir.

MR. PRESIDENT: I must say Sunday School class may not be a bad example. Perhaps before we take the break I might deal with the point on papers and quotations which was raised by the First Elected Member for West Bay. I think it does appear that by practice, what are called dispatches and state papers should not be quoted from unless they are laid on the Table, but private letters or memoranda, that rule does not apply to.

So, I think we are in a bit of a midway position here. The document being quoted is certainly not a state paper, it is not a public document, but I think in any case there is another point. The Clerk has reminded me it is helpful for the Clerk to have a copy of any document quoted from or at least the piece quoted, because it goes into the record of the House and it should be accurate. Apart from that, as I think was said earlier, I am sure that any Member who does quote from a document would be quite happy to make it available straight away for copying and distribution, if not formal Tabling.

Proceedings are suspended for 15 minutes.

AT 3:21 P.M. THE HOUSE SUSPENDED

THE HOUSE RESUMED AT 3:50 P.M.

MR. PRESIDENT: Proceedings of the House are resumed.
The Honourable Member for Communications continuing.

HON. LINFORD A. PIERSON: Mr. President, in winding up my contribution on Private Member's Motion No. 10/90, I would just wish to deal with the recitals to this Motion a second time, and also deal more specifically with the resolve section.

We accept that there is a growing national concern with young people, drugs and crime in the Caymanian society, as stated in the first **Whereas** section of the Motion. I have already stated my concern about the prison population at Northward Prison and that the high percentage of youthful offenders is alarming.

However, I would point out again that the Committee contemplated in this motion has already been recommended in the 1990 Report of the Drug Advisory Council on the Misuse of Drugs, and it is on page 70 of that Report. I understand that that Report has been circulated to all Members of this House. It has been quoted from by the Third Elected Member for George Town, and that section states:

"The Council recommends the establishment of a juveniles committee to deal in a more holistic way, with the problems of troubled juveniles."

It is my understanding that the Member has already put en train, with the assistance of the Chairman of the Drugs Advisory Council, the necessary mechanics to have this committee functioning properly.

The resolve section of the motion calls for this House to establish a commission comprising of 2 attorneys, familiar with the criminal justice system. I would however, wish to point out to this Honourable House and the listening public, that we already have a Senior Magistrate in the person, of Mr. Kipling Douglas as a Member of the 1990 Advisory Council on the Misuse of Drugs.

It also asks for one representative each from Cayman Against Substance Abuse. As can be seen from the list, there are at least two individuals on this Council that are already on CASA (Cayman Against Substance Abuse).

Just for information, I would state that the members of this Advisory Council are comprised of Mr. Ernest Foster, who is a Justice of the Peace as the Chairman; Mrs. Mary Lawrence who is also a Justice of the Peace, the Deputy Chairman; Mrs. Tessa Bodden, business woman; Mr. Brian Cunha, a banker; Mr. Kipling Douglas, Senior Magistrate; Mr. Alan Ebanks, Journalist; Reverend Godfrey Meghoo, Minister of the United Church; Mrs. Nyda Mae Flatley, Deputy Principal of the Cayman Islands High School; Dr. Margo Koeman, a physician; Mr. Donald McLean, a pharmacist; and Mr. Colin Ross, the Principal of the Cayman Islands Middle School.

So it is not really correct to say that this Committee is not comprised of some young people, because I would place Mr. Donald McLean, Mr. Alan Ebanks and others in the category of young people.

I trust that the serious problem of drugs in our community will not be used for any political mileage in this House, and I am sure that this motion does not intend for that to be the position. I believe that it was honestly brought to this House, and it was well-intentioned. But my position, I have to reiterate, is that this motion has been overcome by events and that the action contemplated in the resolve section of the motion is already being undertaken by the Drug Advisory Council.

In closing, I would like to invite us all again to try to work together in a united effort to effectively deal with this serious scourge and with other matters before this Honorable House. We will not always agree on every subject but we should be able to listen to the other persons point of view, and let us not be too impatient when those points of view may not at all times necessarily be the same as ours.

Mr. President, for the reasons given, I am unable to support Private Member's Motion No. 10/90. Thank you, Sir.

MR. PRESIDENT:
Cayman.

The Second Elected Member for Cayman Brac and Little

MR. GILBERT A. McLEAN:

Thank you, Mr. President.

Mr. President, I rise in support of Private Member's Motion No. 10/90, which calls for the establishment of a National Commission to investigate and report on the problems of young people, drugs and crime in the Cayman Islands.

I think that it is beyond doubt a problem in these Islands now with youth, drugs and crime. Constantly we hear concerns expressed about what is happening to our youth. There is a lack of discipline, a breakdown of parental guidance, a breakdown of family harmony and structure, and all of these various claims to lesser and greater degrees, I believe, are true.

What I think, (of great importance) is to clearly identify the problems, if they can be analysed to the point as in a problem-solving exercise that we can clearly pinpoint. Where does it begin and with whom? At what time in a young person's life do these conditions appear or what elements are present that make it come about. I think we would be on the way to finding a solution. Right now I think there are in place certain mechanisms in Government that are trying to address some of the problems with youth, drugs and crime. Certainly, it takes into account some committees such as CASA, and the Drugs Advisory Committee, the Police certainly. I think to some extent more and more parents are grasping the idea that they need to become more closely involved in the exercise of attempting to hinder, through education, through good parental guidance, and so on, their children getting into drugs and crime.

If I understand correctly what the recital in this Motion is saying, it is asking that a specific exercise be conducted to determine what is the relationship between three separate entities, young people, drugs and crime. I would think that such a Committee is desirable and has been established by the Third Elected Member for George Town in reading the Report which he referred to. It seems to be clearly recommended there that such a study be undertaken which would evolve certain information that would be made available to all the various Government agencies so that they would be informed in like manner and they could, in my opinion, be following certain procedures which converge towards one particular goal.

There is concern in this society and more and more we hear that young people are involved in the abuse of drugs. Perhaps it is a fad, or peer pressure, perhaps it is just something for them to do because there is nothing else for them to do; or collectively, all of these things go together to set a scenario in this country that young people find themselves in. What seems certain is that these young people could not take drugs if drugs were not available. So, that is surely one part of the exercise that a

Committee, looking specifically at the relationship between the three areas, as I have mentioned before, might be able to pin down more pointedly where the drugs are coming from.

I have noticed that in the resolve section it asks that young people be involved in the Commission, and the point was made from the Report that was prepared by the Drugs Advisory Committee that young people know who is taking drugs, and they know where it is available. I think those are two key considerations. Perhaps they are the secret to it all. It is fine to have lawyers or police advisors, or legal persons and they are all relevant and necessary, but perhaps a giant step would be the involvement of young people with a committee that would be examining these specific areas. They would know who the suppliers and pushers are; they would know what drugs, in what amounts and so on that are available in the different areas, not necessarily the young people who would be on the committee, but they would be of an age that they would have friends and connections within the society. Through that kind of information, it might be possible to clearly determine what is the true condition in relation to young people, drugs and crime.

I believe that it would be good and essential to determine at what point in time that young people get exposed to drugs in this society. Is it in the very early childhood age when they are going to primary school, or is it secondary school age? Exactly where, and who in each districts? Who are the culprits? What are the target areas to be watchful and mindful of? Are there specific people in these districts, who target young children or youngsters and introduce them to drugs? Is it done at schools? When they are on the playfield? Where? Where does it happen? I believe it is essential to determine specifics on those matters.

There is no doubt that crime is following drug abuse, drug pushing and drug usage in this country, because there are so many young people trapped in this particular situation. It is well known that an extremely large percentage of the population at the Northward Prison are young persons in their teens. I do not know off-hand or recall what the percentage is, but it is an alarming percentage that are drug related crimes, committing crimes to find money to purchase drugs; stealing, burglary and even higher up in the whole myriad of things are the big dealers, some that we are quite well aware of have resorted in some instances in this country, to murder, which has been drug related. So, I can see nothing wrong with the idea of having a specific committee that would look at the relationship between these various conditions.

Again, I have heard from various persons in the justice system, lawyers mostly, that have expressed concern about the way things go, and the way things are here, with drug abuse in these Islands, the persons that they sometimes represent, some of the things that they become aware of that are happening here in the Islands. Again, some have ideas that the matter could be dealt with in more practical ways, rather than the harsh 'Thou shalt be punished' type of situation.

So I believe that for a Commission to be made up of persons or attorneys familiar with what happens, let us say that from the time a young person gets involved, is arrested, is taken to Court, the punishment, the incarcerated and all the rest of it, I think it makes good sense to have some very clear specifics on that, ideas and guidelines, because my understanding from quite a number that I have had occasion to speak with from time to time is, there are things or steps that could be taken. Procedures, perhaps that could be implemented which could help in this particular exercise.

I believe that CASA and other such groups are doing what is within their power to do, in terms of manpower and available money, and within a certain level, a certain sphere. But I believe that the matter of drugs, young people and crime in the society is something that runs in this society diagonally, right across the board. It touches from the very highest, economically, religiously or whatever in the society, down to those who are much worse off in economic standing or otherwise.

So I do believe that it is not unrealistic to ask that a Commission, such as is asked for in this Motion, be formed. The Motion also sets a time limit on it, it does not say that that Commission should go on indefinitely. It specifically says, it should be appointed, asks for it to be appointed, giving it directions, its terms of reference and in six months it should report. There is nothing that says that it should be an ongoing and continuing commission or body. I do not believe therefore that it is unreasonable.

The last speaker, the Member for Communications says that what this Motion is asking for is already in place. If that is the case, it certainly was not mentioned by the Member who is responsible for this particular subject, in that he gave no indication to the best of my knowledge, understanding, and remembrance when he spoke, that such a particular committee has been set up by him, or has been appointed. I think this is very specific, this is not general to the exercises which are being carried on now for, and on behalf of Government.

An area that I believe is essential to know about is the supply of drugs to the Caymanian society. Only this week we hear of an amount of drugs up to 2000 pounds being seized. Fortunately that will not be going into the flow, and that amount at least will be kept from possible victims of the drug trade. But where, who and how is the supply in this country maintained? Who are the great lords of the supply? I believe the answers rest to a large extent with the users and while they may not be willing to talk with the police, as is understandable, through putting together a group of people with a specific objective of nailing down places, persons, the hows of the whole operation, I think it might be relevant to finding out vital information that is necessary in combating drugs, helping the young people and stopping crime.

I firmly believe that many tales could be told, that are not being told now. The information that such a commission could glean would be made available to the Law Enforcement Agencies that could help the fight against crime and drug abuse.

Reference was made to drug testing by the Member for Education and he seemed very pleased that he was a part of this particular part of the Law enforcement exercise. I think that that would be fine if the idea is to simply prove every case that some young person has indeed consumed drugs. That seems to be the most fool-proof way of doing so. At least I am led to believe that. But is that the

ultimate objective or the ultimate goal to prove that little Johnny Brown used a particular drug so that he can be locked up for that and so the statistics can say that this person was so charged and was convicted? Is that the purpose of the exercise? Or, is it more vital to the well-being of this society, young people and the prevention of crime to find out where little Johnny Brown got it, and to cut off the supply? Bigger countries than the Cayman Islands are finding that stopping the supply is the most valuable exercise. We cannot pull up at a gas station and put gas in a car if there is no gas in the pumps.

So there is another side or another viewpoint on the exercise of drug testing or urine testing. In this society, one should be aware that there is another point of view that feels that most people are and can be subjected to be pulled in and says, "Hey, I would like to have a urine specimen and so on." It infringes to some extent, on natural and normal societal freedoms. So that is another side of it and it is not a positive side, it is a negative one.

The purpose, I believe, or the objectives of Government need to be much more than punishing the user. It needs to get at those persons who live in the ivory towers with those big houses, the big cars, lots of money, who supply the money for the purchasing and those persons who see that the supplies are here and are made available to young people.

I agree that parents need to be more concerned, and I am of the opinion that if somehow the law could punish parents of children below the age of responsibility, where it can be proven that there is negligence, or there is a condoning of the matter and so on, it might also help in this particular exercise.

It is not sufficient to say that because the Third Elected Member for George Town spoke about the Drug Plan and that it was not being implemented in the way it was recommended by the Member responsible, that during his time in Executive Council, there was no Drug Plan. He did have an Education Plan, a Health Plan and a Social Services Plan. So I suppose that it is only reasonable that something could be left for someone else to do. As I recall it, I do not think, and I do not recall back some years now, that there was the extent of drug abuse in this country, and the society as it is now and I think that figures and statistics show that.

However, it is also to be remembered that the Member for Communication was also the Principal Secretary in the Portfolio of the Third Elected Member for George Town, during those times.

The Police Force is a necessary part of any society to enforce law and order. I say in the Cayman Islands we need to be very careful with the number of police officers there are in so small a population, that the ratio of police officers to citizens does not in itself create a reactionary situation. I have every support for the Police Force, but I also support good policing, rather than constantly recruiting more police officers.

I look toward seeing the enhancement of skills in the Police Force improved training that will assist them in detection, better understanding of the society, handling people within a better manner and understanding that psychological prevention is better than the cure of arrest. I think that these are very relevant things to be taken into account in that respect.

I do not believe that the outright rejection of this Motion was the right attitude by Government, because indeed, it is not asking for anything so frightening a magnitude to be done. It even names the persons who are suggested to be on such a Commission, two attorneys familiar with the criminal justice system, one representative each from Cayman Against Substance Abuse, (CASA), and the Drug Advisory Council, two representatives from each of the districts, with one being between the ages of 18 to 25, to investigate and to report on the relationship between young persons, drugs and crime in the Caymanian Society, and when their work is concluded to submit its findings within six months.

That is not unreasonable. I cannot possibly see how that could hurt any effort that is presently under way which the Member responsible for this subject may have set up or instructed to be done, and I think that by the Government's outright rejection of this, it has lost a very good opportunity of taking a much closer look at this particular area in the Caymanian society.

For those reasons that I have stated I support the idea of the formation of such a body to carry out the terms as has been suggested in this Motion. Thank you.

MR. PRESIDENT: Thursday of course is Private Members' Motion day and we would not normally continue with this motion tomorrow. I do not know whether the House wants to consider attempting to continue the business this evening?

HON. THOMAS C. JEFFERSON: I am sorry, Sir. I failed to advise you that it is the wish of the Members to finish off the Private Member's Motion tomorrow. It is also the wish, I think of the Mover and Seconder of this Motion, that we stay on a little longer and allow him to wind up, if that is agreeable to the House.

MR. PRESIDENT: Is the....

HON. BENSON O. EBANKS: I can stay till 5 o'clock, but I have a 5 o'clock appointment, Mr. President.

MR. ROY BODDEN: Mr. President, I will be reasonable and I am not a long-winded speaker, although I have a few points to make. I would undertake to give Honourable Members my word that I will finish within that time, Sir.

MR. PRESIDENT: It all depends on how many other Members may also wish to speak. Let us proceed then, would you like to move the suspension of Standing Orders now?

SUSPENSION OF STANDING ORDER 10(2)

HON. THOMAS C. JEFFERSON: Mr. President, in accordance with Standing Order 83, I move this suspension of Standing Orders 10(2) to allow the House to continue to wind up the debate on Private Member's Motion No. 10/90 this evening.

MR. PRESIDENT: Members you have heard the Motion.

QUESTION PUT: AGREED.

STANDING ORDER 10(2) SUSPENDED

MR. PRESIDENT: Proceedings will continue accordingly. Does any Member wish to speak? It seems not.

Would the mover wish to apply?

MR. ROY BODDEN: Thank you Mr. President.
Let me begin by saying how very disappointed I was with the attitude and the contribution by the Honourable Member for Health and Social Services, Sir. It seems that that Member has not yet in all his years learned that there is a civil and polite way of rejecting something. I am glad that I have had this time to cool down, because even someone who tries as hard as I do, gets carried away and I was tending to be retaliatory. However, let me say that I am sufficiently cool under the collar that I would not and I will resist the temptation.

I appreciate the conciliatory spirit and attitude of the Member for Communications and Works, but as I listened intently to him it made me realise that there is some dissension or some discord over there because his contribution was completely out of concept with the contribution by the Member for Health and Social Services and the Member for Education, but I am not surprised at that because I remember a statement made about the Post Office box rental fees, and it strikes me that the same kind of situation occurred then.

The efforts of the Backbench remind me of one of the Greek legends, Sisyphus. He had angered the Gods and his punishment was that he had to roll a stone up a hill, and every time he rolled the stone up the hill as he reached the halfway point, he automatically lost control. The stone would tumble back to the foot of the hill, and that is what Sisyphus had spent his life doing. It seems that the Backbenchers have angered the gods and they have to spend their tenure here bringing motions that are swatted down, not because they are not relevant or meaningful, but because they have been brought by the Backbench and the Government will reject them because we brought them.

I want to make a point, and this is very important. I would like to ask the Honourable Member for Health and Social Services, what has he done for his young constituents? He is talking about the efforts to keep young people and to help young people. I will tell him what Roy Bodden has been doing since 1970, and is continuing to do up until this present time, Sir.

I have started an organisation in my community and it is still going on. I can say, as that Member knows, (because the young people tell me that they engage him quite frequently in discourse), that I am totally and completely respected by these young people, Sir. His is the only constituency which does not enter a team in the football competition, yet he has the benefit of a lighted and enclosed playing field. We do not have that benefit in Bodden Town. We have had a team for every year since I can remember. I, Roy Bodden, personally spend time with these youngsters and not only are they taught football, but they are taught about life, including the necessity to keep their bodies clean and free of drugs.

I can tell you that I, on occasions, have personally taken these youngsters out and taught them, entrenched in them how to act, how to be polite and the social graces, and I am still doing it. I have just started about two weeks ago with a set of youngsters between the ages of 12 and 17. What has he done? What is he doing?

There are no false gods on this side, if there are any false gods, I suggest he look closely on his side, Sir. I know where the surprise came, it came from the fact that he thought that the Backbenchers had not perused this Report. The history of this motion is this. I was discussing the problems of young people with a prominent attorney, and he suggested that there was a gap. Subsequent to that, one day I was at lunch at one of the eateries in Elizabethan Square, when Mr. Ernest Foster, the Chairman of the Advisory Committee on the Misuse of Drugs brought to my attention his concern that we were losing the battle of young people to crime and drugs in this country.

So this motion arises out of that, and I would like to state that I am not one of those who goes around, whenever I bring any Motion to this House, and I challenge any Member on that side to say otherwise, it is something which I think fills a need. Let me say I know what I am here for and I have too much respect for the Honourable Members of this House to waste their time by bringing things that would only seek to give me political mileage. But what I cannot understand is the blind and pusillanimous arrogance that that Member has repeatedly exercised when Motions are brought which effect his Portfolio. It would be completely different if he had taken the approach of the Member for Communications and Works and said, "You know Roy, I can see the well meaning of this Motion, but I fear there is some duplication."

If he was so well meaning, why did he not come after the Motion was tabled and say, "Can we sit down and talk about this, because my concern is that there is some overlapping? What exactly do you mean?" Instead he took it on a public platform and criticised us saying that we are bringing these motions trying to let the young people believe that we have their interest at heart. Well, I am suggesting to him that he go and poll the youngsters in Bodden Town and West Bay and ask them, "who has their interest at heart?" I did not do it for any political reasons as he did with his Youth Club when he started it, and after he got into politics he abandoned the young people. Twenty years from 1970 until 1990, and I did not win in politics until 1988, and it is still going strong. So I can be a Pharisee too and smite myself on the breast and say, "I am not like them."

I do not expect any better out of people who talk about writing off a generation. That is not where I am coming from. Every human being deserves a chance, and I want to say that I know our youngsters are not bad. I know that our youngsters need help and I think this Motion will fill a gap. It will complement what has been done, what is being done by the organisations and the groups, which are currently doing a good job. This latest Report of the Advisory Committee on the Misuse of Drugs, suggests that such information be gleaned. But you know what? If they were divergent thinkers, the Backbenchers would not have to do this.

If he was on the top of his Portfolio, he would not need to have to be kicking Roy Bodden for bringing this or any other Backbencher for bringing this because he would have brought it and come to the Backbenchers and said, "Backbenchers, the Report says that we need this, will you support me on it?" I am suggesting that it is clear who is working. The Backbenchers are working in spite of what they may have other people believe.

There is another matter that gives me cause for great concern that I think that we should deal with. The charge that the Chamber of Commerce suggested the legalisation of drugs in Cayman is reckless, is unfounded and it is an abuse of privilege. Members of this Honourable House should not be so intoxicated with arrogance and so carried away as to try to destroy people by using their powers and privileges in here to make these kind of insinuations. I am very concerned, as a responsible legislator, about this kind of behaviour because far be that from the truth. I challenge that Member to prove it to this Honourable House that that is what the Chamber suggested by circulating the article, because I also have a copy of a letter from the Manager of the Chamber of Commerce, which I will gladly give to the Clerk, after I have read it. It says:

"Dear Mr. Miller, Re: Legislation of Drugs,

Your letter of 14th June, 1990 was referred to me by my President Mrs. Berna Murphy, for reply.

Since I am largely responsible for the flow of information from our office, I suspect that the article was sent to you by myself and was extracted from my reading of a broad range of magazines, books etcetera. I am unable to comment on the specifics of the article or confirm whether it was sent from this office, without sighting it.

As you will recall, I often copy various articles to you on matters of interest pertaining to your Portfolio. Several of our members also provide me with copies of articles as they realise that it is impossible for one person to read or know all things. These articles which are sent from time to time, are meant to be of general interest, and for information purposes only.

We would hate to think that we have to stamp a disclaimer statement on articles in order to make it abundantly clear that the views expressed therein are not necessarily endorsed by the Chamber. To imply that the Chamber is contemplating legalizing drugs as a solution to Cayman's drug problems is reckless beyond explanation.

As you are aware, the Chamber is presently involved in programmes which are meant to educate and rehabilitate current and potential drug users. Such programmes as the Employee Assistance programme, our Community Service Awards (for Anti-drug or Anti-crime work), and our recent co-sponsorship of a CASA general meeting with Mr. Doug Grindstaff, are positive programmes which would suggest other than your implication.

While we appreciate the assurances given in your letter, we suggest that this is unnecessary, as we do not support the legalisation of drugs and our public position has always confirmed this.

Yours sincerely,

Mario E. Ebanks, Manager".

I wonder if this insinuation or charge by the Member has anything to do with Mario. Mario, as a young Caymanian and a young West Bayer, has an interest in politics and it is not far-fetched to say that one of these days in the not too distant future, he may be a candidate in an election.

Smear tactics, and it concerns me just like the attempts to smear the Backbenchers. But the records will show when the chronicle is finished, that the Backbenchers were sincere in their efforts. I am suggesting again that that is a part of our responsibility.

I heard my colleague, the First Elected Member for West Bay, say that we have to kick them in line. Well I would suggest that the, 'kicking' was a figurative kicking. But that is our job, we have to steer the Government; we have to help them to make it work. That is why I am chagrined when efforts such as this are being swatted down, and I am going to say something else, that I am fast learning to play the game of politics. So, I am savvy enough to know that when I have the winding up, I can afford to sit back because I will do to them exactly as they do us. Slap them up.

I will finish by relating a little anecdote. A smart alec youngster came up to an older man and told the old man that he had a bird in his hand. Since the man was older than he was, and supposedly wiser, he wanted to ask him in which hand he had the bird and whether the bird was dead or alive? The plan of the smart alec was, if the older man told him that the bird was alive, he would squeeze the bird and kill it. If he told him that the bird was in his right hand, he would turn the hands over, so that the bird would have been in the left hand. But he did not figure that when one is older, one is usually wiser. So, when he put the question to the old man. The man told him, "The bird my son, is in your hands."

This Motion, is in the Government's hands. Mr. President, I rest my case. Thank you.

MR. PRESIDENT:

The Question will now be put upon the Motion.

QUESTION PUT: AYES AND NOES

DIVISION NO. 16/90

AYES: 7

First Elected Member
for West Bay
Third Elected Member
for West Bay
Third Elected Member
for George Town
Second Elected Member
for Cayman Brac
& Little Cayman
First Elected Member
for Bodden Town
Second Elected Member
for Bodden Town
Elected Member for East End.

NOES: 8

Hon First Official Member
Hon Second Official Member
Hon Third Official Member
Hon Elected Member for TAT
Hon Elected Member for EERC
Hon Elected Member for HSS
Hon Elected Member for CW&A
First Elected Member for
Cayman Brac and Little Cayman

CLERK: Seven Ayes. Eight Noes.

PRIVATE MEMBER'S MOTION NO. 10/90 NEGATIVED BY MAJORITY

MR. PRESIDENT:

I was about to look up in Standing Orders, whether you are required to say Aye or yes, but we will leave that until tomorrow.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:
House until 10 o'clock tomorrow.....

Mr. President, I move the adjournment of this Honourable

AYES AND NOES.

HON. BENSON O. EBANKS:

Mr. President, on a Point of Order. I do not know whether I missed it, but did I hear the declaration of the results from the Chair, I did hear the Clerk, but...

MR. PRESIDENT:

....Again, I will check this tomorrow, but I do not think the Chair is required to make the declaration. I think it may, but allow me to check that. So the House stands adjourned. Well, I will call the Noes again, I heard the Ayes. Will those against please say, No. The Ayes have it. The House stands adjourned accordingly.

QUESTION PUT: AGREED

**AT 4:48 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,
FRIDAY, 22ND JUNE, 1990.**

**FRIDAY
22ND JUNE, 1990
10:11 A.M.**

MR. PRESIDENT:

Prayers by the Third Elected Member for George Town.

PRAYERS

MR. TRUMAN M. 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.

ANNOUNCEMENTS BY THE PRESIDENT

MR. PRESIDENT:

Before we go on with the business on the Order Paper, there were a couple of small procedural points late yesterday.

The first one was my own doubt whether an "Aye" was the same as a "Yes", or rather a "Yes" was the same as an "Aye"; and although Standing Orders do not refer to a "Yes" I think we can take it that "Yes" means "Aye".

The second point was, as the Honourable Elected Member for Education pointed out, the Chair should, when there is a division, declare the result. I apologise that on some occasions I have not done so because my guide only says, "... the President may.." declare the motion passed or failed. I will try to remember in future.

GOVERNMENT BUSINESS

MR. PRESIDENT:

Government Business. Motions: The Motion to Reject the Report of the Standing Select Committee on Standing Orders. Continuation of debate.

The Second Elected Member for Bodden Town, continuing.

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

MR. G. HAIG BODDEN:

Mr. President, when I quit speaking on this motion a couple of days ago, I had been dealing with a few of the details of the motion which is under discussion. This morning, while I will mention a few of these details, I will not at this time, spend a long time on that part because I am cognisant of the fact that I only have a little bit less than four hours remaining for my deliberations.

It is clear that the deletion of Standing Order 73 was necessary so that a new creature, also called the Finance Committee, could be created. But the new creature appears to be a political monstrosity - a beast that will have 16 heads and 32 eyes - a Committee which will include for the first time, since we have had a Finance Committee for 31 years, members of the Civil Service.

It will operate as a Committee of the whole House, not a

Committee of Elected Members, as had been the case under Standing Order 73. The effect of this change is that Official Members, who are Members of Executive Council and bound by collective responsibility, will now be Members of the Finance Committee and, as the Constitution requires that Members of Executive Council must support (in the Legislative Assembly), any matter decided in Executive Council, I maintain that those Members of Council sitting in Finance Committee will also be bound to support any measure which the Government has passed. The result will be that the new Finance Committee will be made up of four Elected Members of Executive Council, plus three Official Members of Executive Council and, of course, the other eight Elected Members of the House.

The seven Members of Council will form in Finance Committee, a block of votes which, with the help of one more vote (whether it be an extension vote or a programmed vote), will be able to put through any matter which the Government brings.

The quorum of the old Finance Committee had been seven Members, but at that time the membership of the Finance Committee was only 12 Members. In the new Finance Committee the membership will be increased by 25 per cent to 15 Members and it should follow (if we were dealing in a reasonable fashion), that the quorum of the new Finance Committee should be increased by 25 per cent, or to nine Members. But there is no move to increase the quorum of the new Finance Committee.

Although we have a much expanded Finance Committee, the quorum seems to remain at seven which gives the Government a new advantage (never before experienced in Finance Committee), where it is possible for the first time for Executive Council alone, to carry on with a meeting of Finance Committee. They have their own quorum constructed with the umbrella of collective responsibility, able to call meetings despite the absence of the other eight Elected Members.

It is true that all Elected Members have a responsibility to attend all meetings of the Finance Committee, but we see what happened quite recently when a Member of Executive Council introduced an important request for funds for Health Care when he knew full-well that the Second Elected Member for Bodden Town had resigned and the First Elected Member for West Bay was absent from the Island.

This is a serious fear amongst us that this type of arrangement may be brought into play now that they have their own quorum, and it may work to the disadvantage of the public. That is so much for the details of the motion for this time. I will be coming back to that later.

I want to raise the point that the Government, and particularly the mover, has not (in the Motion before the House), given the public the true facts. In this motion he names certain reasons why the motion has been brought. He says he wants the House to meet in public. We accept that. We have agreed to that.

He says the Committee does not include two of the Official Members of the Legislative Assembly, although they have Portfolios. We can accept that. And he says that the Elected Member for Cayman Brac is not a Member of Finance Committee. We accept that.

But, he does not put in the Motion the real reason why he is seeking to make the amendment. Yet, when he was masquerading before the press on the 1st of June, and probably this interview must have been held before Friday, the 1st of June, he told the press the reason. And I quote from Friday's Compass, 1st of June, 1990:

"Mr. Benson Ebanks, Member for Education, Environment, Recreation and Culture, said "under the present conditions" Government was hampered in its efforts to get funding for its programmes."

And while I do not always believe what that Member says, another Member of Council - from the other side of Council, from the Official side - said virtually the same thing.

In the same newspaper, Friday the 1st of June, Hon. Lemuel Hurlston had a discussion with the press and more or less implied the same thing. And I will read that section:

"Mr. Lem Hurlston, Administrative Secretary, said that under the present rules the Financial Secretary who serves as Chairman of the Finance Committee has only a casting vote (he votes in the event of a tie).

"The full House decision in 1972 (for a 12-Member Finance Committee) had to be endorsed by the Standing Orders Committee and then approved by the Governor, which was done," said Mr. Hurlston.

He said the motion being proposed by Mr. Benson would have to take the same route - recommendation by the Assembly, consideration by the Standing Orders Committee and then approval by the Governor.

Mr. Hurlston said that now, and on a previous occasion during the tenure of the Chief Secretary, Dennis Foster, the ExCo Member for Cayman Brac and Little Cayman did not sit on Finance Committee.

Mr. Hurlston was asked if this condition was an anomaly that needed correcting, why was it not corrected when it occurred previously. He said: "I don't know why it

wasn't done."

So apparently both men were present at the same interview. What is certain is that they were interviewed and their remarks are carried in this newspaper. Why I believe they were present is because at the end of Mr. Hurlston's speech there is a repetition from Mr. Benson Ebanks, which is reported in the last three paragraphs of that article.

"Mr. Benson Ebanks said the Cayman Brac/Little Cayman situation was not the only reason for bringing the motion.

He said, "the situation now was different in that Government's ability to get funding for its programmes was being frustrated by a "Finance Committee which consists of a minority of the Government bench".

"We were able to put through a budget last year," he said, "but only through horse-trading and so on."

Here is the reason for this amendment. They were unable to put through their programmes, programmes which the majority of Elected Members did not agree with, programmes which the majority of people in the Cayman Islands did not agree with.

There is also one other major matter in which the mover of this motion failed this country because he told us, that with the situation that exists Government could do several things. He talked about resigning, he talked about a new election, and said, "if they did not do that, the alternative would be to bring this motion to change the Finance Committee", I believe he even said, at one time, "to make the Constitution work".

I can only say that he must be very ignorant of Constitutional Law as it applies to the House of Commons, which we follow. Because the alternatives in the House of Commons are not to change the rules to suit a Government that has lost its majority. And I would like to call Members' attention to Wade and Phillips on Constitutional Law, page 118. In the first paragraph a sentence reads:

"A Prime Minister whose Government is defeated ...

HON. BENSON O. EBANKS: Mr. President, on a Point of Order, Sir.

MR. PRESIDENT: If it is a Point of Order, please state it.

HON. BENSON O. EBANKS: Simply to say that yesterday Members quoting from articles were required to Table copies, and I would hope that the same procedure is going to be followed today. Including the newspaper article he read from, Sir.

MR. PRESIDENT: Not exactly Tabling, but making a available to the Clerk for the record and therefore, copies for Members.

MR. G. HAIG BODDEN: I will be happy to do that, Mr. President. I have the newspaper here and this is Friday, the 1st of June. This is a photocopy. But I would like to say to the Member that in the introduction of this motion he refused to even tell us the page that he was reading from in Erskine May. He has set this disgusting habit. I have always believed in quoting chapter and verse and making the source available to the Members. The House accepted his mean manner of putting forward this motion of not allowing us the opportunity of following his quotes. I know why he did it because I know how he quotes. I may tell the House that in some instances of my speech I may not be able to give him right away the sections, because I followed what was done in the opening. Most of my research in Erskine May had been done from a much older copy than the 21st Edition.

MR. PRESIDENT: I do not think that matters at all. The point is that any Member quoting from any document is responsible for the accuracy of that and for quoting the source. That is a normal rule.

MR. G. HAIG BODDEN: Definitely, Sir, I appreciate that and will comply with it. But I am only mentioning the difficulty I have been placed in because when I did most of the research for my speech I was following his opening, and I did not put down ... of course if the House adjourns - give me another week or so - I can find all the sources. But where available, I am prepared to make it available to the Clerk.

MR. PRESIDENT: Surely, there are two separate points. One is making it available which is a matter of courtesy. The second is the question of accuracy and source; and any Member who quotes is responsible for that and may be challenged on it.

- MR. G. HAIG BODDEN:** Oh, definitely, Sir, I agree. It has always been my policy. Had I been opening this motion I would have made everything available. I am still wondering about some of the things that he quoted. Wade Phillips on Constitutional Law
- HON. BENSON O. EBANKS:** I will give you chapter and verse when
- MR. G. HAIG BODDEN:**Oh, you are just being disgusting now, man!
- MR. PRESIDENT:** Now come! Order! Order! On both sides. Please continue with the debate.
- MR. G. HAIG BODDEN:** Wade Phillips (Seventh Edition) on Constitutional Law, page 118, says:

"A Prime Minister, whose Government is defeated in the House of Commons on a major issue, is expected either to resign or to request a dissolution."

And while our Standing Orders are silent on the matter of what should be done when our Elected Members are defeated, as they have been many times in the past both in Finance Committee and in the House on major issues, we are required to turn to the practice in the House of Commons. And Standing Order 85 reads:

"85(1) In any matter not herein provided for, resort shall be had to the usage and practice of the Commons House of Parliament of Great Britain and Northern Ireland, which shall be followed as far as the same may be applicable to this House, and not inconsistent with these Standing Orders nor with the practice of this House.

(2) In cases of doubt, the Standing Orders of this House shall be interpreted in the light of the relevant usage and practice of the House of Commons, but no restrictions which the House of Commons has introduced by Standing Order after the making of these Orders shall be deemed to extend to this House or its Members until the House has by Standing Order provided for such restriction."

The matter of what can be done when the Government (the Members of Executive Council) lose their majority and become impotent and unable to put through their programmes, is not mentioned here, I think we should follow the established practice, not only in the House of Commons but throughout the British Commonwealth and follow strictly on major issues.

But he told the press that they had two alternatives and I am quoting his exact words from Friday, the 1st of June in the Caymanian Compass:

"We could have brought a motion, as recommended by the Constitutional Commissioners in 1972, that Finance Committee be made up of the four ExCo Members, three from the other side and the Financial Secretary".

"The other alternative, which is what we are proposing, is to do it with everyone (all Elected Members) still being a Member," said Mr. Benson."

Then he told us in here when he moved the motion that one alternative (well, we are getting so many now that we cannot call them alternatives), or one option was that they could have resigned or called a new election or something like that. "But that would have been a cowardly act", he said.

The options do not include changing the rules. The options are clear. Option (1) is for them to resign - just walk across the floor - and the Presiding Officer will hold a new election for Executive Council Members.

Failing to do that they must dissolve the House. They must go to the polls and say, "We have failed". It is not an easy thing to say that one has failed, to admit defeat, or that you have made a mistake. But sometimes when that person comes upon the scene who can admit all this, he becomes a greater person.

I believe if these Members are going to salvage any of their political manhood, it is incumbent upon them to withdraw this motion, not force it. It is incumbent upon them, before they put through this motion, to find out whether this is what the public wants.

Do you know I cannot believe that we have as leaders, people

naive enough to ignore the signs, the public meeting last night, the placards, the letters, the articles from the large organisations - the Caymanian Bar Association, the Chamber of Commerce, the Young Businessmen's Association, the man on the street. Are they deaf that they do not hear the drum beats?

On this matter I must also say that they have no mandate to do what they are doing. They were elected to run this country under our present Constitution; under our present Standing Orders that make the Constitution work. They have no mandate to make such a fundamental change as they are seeking to make.

I would also like to refer Members to the often quoted Earl of Oxford and Asquith Report on page 7, paragraph 17, where the Members of the House decided that they had no mandate to make a fundamental change. I will read that paragraph. I quote:

"17. There was still in these years some groping after constitutional change. In 1966 and again in 1967, select committees of the Legislature considered various possibilities and reported on them but their recommendations fell a long way short of any request for self-government. The recommendations of the 1967 committee included requests for a majority of elected members in the Executive Council, the appointment of a Speaker to preside over the Legislative Assembly and the abolition of Nominated Members in both these bodies. But when the members discussed these suggestions with their constituents, the conclusion was reached that they had no mandate for pursuing the matter, and that there was little desire for change."

My contention today is that this change in Finance Committee makes a fundamental change in the operation of our Constitution and these people have no mandate to make that change.

I already referred, in my opening, to the meeting they held in the Kirk Plaza parking lot, and they received no clear mandate there. Although I was not in Cayman Brac on the night they went there, I understand that they received no mandate to make this change, and that the people who spoke were against it, and that the people of Cayman Brac have submitted a petition to the Cayman Brac Members not to make the change. This change is not endorsed by the public in the Cayman Islands, and these Members have no mandate to make such a change.

I would also like to refer Members to paragraph 14, pages 6 and 7, of the Lord Oxford and Asquith Report where a certain a Legislator was told by the Secretary of State for the Colonies that a matter of constitutional change had to be referred to the people; had to be an issue at a General Election. This change is just as fundamental as any Constitutional change. The Member himself said that he brought this Motion so that he could make the Constitution work.

They want to talk about changes that were made in our Standing Orders. Sure, changes have been made from time to time. We have cosmetic changes. We have little changes where they changed the time that a Member could speak. That was to limit the late Jim Bodden and myself to four hours. They changed the time required to table questions. Changes like that have been made, but they have been no fundamental changes such as are expressed, and to use the words of the Member, "so that the Government programmes will no longer be frustrated".

Paragraph 14:

"14. The question of timing was one that was bound to present some difficulty. It was clear that the Legislative Assembly elected three years before the demise of the Federation, had no mandate to speak for the people on this important and controversial matter. Some revision of the Constitution was, however, necessary at an early date since Jamaica was to become independent on 6 August 1962, and the office of the Governor, who was also Governor of the Cayman Islands, would then disappear. At the end of June, a motion was passed by a majority of the Legislature purporting to express the "wish of the people of the Cayman Islands that a Constitution providing for full internal self-government be granted immediately after the forthcoming General Elections in October, 1962".

And listen to this:

"In July the Assembly was informed that the Secretary of State had been unable to accede to this request because it was considered wrong to anticipate the October elections at which the timing of any constitutional advance might be expected to be an issue."

How in the face of this can they put forward such a motion? While it is not a Constitutional change, the Member himself has told us it is a change that will make the Constitution work. If this matter is referred to the Foreign and Commonwealth Office (FCO), as it will be (and my God it will be), we will find out. We will find out what the officer in charge of the Cayman Islands has to say - that a fundamental change in our Standing Orders that will take away the inherent rights which the people of this country enjoyed for

158 years since the first Legislative Assembly met in the capital of Bodden Town. We will find out what they have to say. Let me tell you, when we go we will be saying other things. All their faces will be red! (LAUGHTER)

I made a commitment. You know they tell me that I am a prophet. While that is not true, my sense of perspicacity for looking into the future is so great that very few of my prognostications have been wrong.

When I published my position statement in the newspaper at the beginning of the by-election in Bodden Town I had this to say. "All Elected Members of the Legislative Assembly have the right to participate in the control of public funds. I oppose any procedure which would erode that right".

Today, three months later, if I were publishing that position statement (and I am going to publish it in the General Election which is coming very soon) I am going to include that same paragraph with one amendment. It is going to read: "Only Elected Members of the Legislative Assembly have the right to participate in the control of public funds, and I oppose any procedure which would erode that right".

If the mover does not understand why I am reading this paragraph, from an election manifesto that is history, I will tell him because I was elected on this by a landslide against his candidate, the one whom he endorsed. That one whom they spoke about in the Newstar. The one which they wrote those mean letters about me in the newspaper, and the one that I understand he called people to vote for her, the West Bayers who live in Bodden Town. This is my information.

This should be a message that the people of Bodden Town ... and I think I am in a position to speak for the people of the Cayman Islands because Bodden Town is the political capital. It was the first capital and it has retained the political stature which made it great in the days of old. This was no ordinary Election, this Election was a mandate for me to stop the actions of the Government.

I did not know at the time that they would stoop to the level of changing the rules of the game (a game they cannot win), in order to win it. I did not know this would happen. But I knew what they had attempted to do with Standing Order 67(1). I knew how they had attempted to railroad through the back door a financial matter which they could not get through in a Finance Committee made up of only Elected Members.

I will deal in detail with the Bodden Town By-Election when I come to reply to what the Member said in moving this motion.

The matter of whether the Government should resign when it loses its majority is a matter that written in every book on Constitutional Law. I believe that the Attorney General is familiar with one written by S.A. De. Smith. He is nodding his head to say that he knows it.

I do not have the book with me, but S.A. De. Smith says that should the Prime Minister, or the Government that loses its majority in the House of Commons, not resign, the King (what the text says - it would now be the Queen) would step in and dissolve Parliament.

My friends here have just given me the authority. It is a book called Constitutional and Administrative Law (Second Edition) by S.A. De. Smith. And reading from page 103, the final paragraph on the page - Dismissal of a Government:

"If a Government, having lost its majority in the House of Commons were to insist on remaining in office instead of offering its resignation or advising a dissolution, the Queen would be justified after the lapse of a reasonable period of time in requesting the Prime Minister to advise her to dissolve Parliament and if he were to refuse in dismissing him and his Ministers, she would also be justified in dismissing her Ministers if they were purporting to subvert the democratic basis of the Constitution, for example, by prolonging the life of a Parliament in order to avoid defeat at a general election or by obtaining an electoral majority through duress or fraudulent manipulation of the poll."

This is the world's greatest authority on Constitutional Law. He says if the Prime Minister and his Government lose their majority the gentlemanly thing to do is to resign. The mover of this motion calls it the cowardly thing. But his thinking is different from everybody else who I have ever met, so I am not surprised he calls it cowardly. The gentlemanly thing to do is to resign.

As you pointed out earlier during this debate, Executive Council can advise the Governor to dissolve the House and call a new election.

Here are his options, set out clearly in this document - the one that I read from Wade and Phillips. In our Constitution it is implied. Our Standing Orders tell us we must go to the House of Commons when our Standing Orders are quiet or have not addressed the point. What I am coming to right now is for somebody to convey to the Governor, not the President of the Assembly but to the Governor, that he has a direct responsibility, in my opinion, for good Government in this country. Has a responsibility for peace, order and good Government in this country. A very grave responsibility and he, although I cannot tell him what to do, he, it would appear to me, must take the advice and counsel before this question is put on this motion.

MR. PRESIDENT:

I think I should comment at this point as President of the House. You referred earlier to Standing Orders and procedures where our Orders do not provide for certain matters. I must point out there is not a Prime Minister in this country nor a party. So, I cannot see how you can expect the Chair to consider those issues in regard to Standing Orders. I emphasise I am speaking as Chairman of the House in this matter.

MR. G. HAIG BODDEN: I agree, Mr. President, you are so correct. We do not have a Prime Minister, but I will read Standing Order 85, if I can find it again, which tells me that when a question cannot be decided and our Standing Orders are silent on it....

MR. PRESIDENT: I will reply to the point more fully if I may. It is impossible to apply the procedures that you are referring to from the United Kingdom Parliament, because there is no Prime Minister, because there is no party which holds a majority, because the system is completely different. What is applied here is the Constitution of the Cayman Islands made under the Order in Council which you have been quoting from the Constitution yourself.

Therefore it is not, I think, helpful and it is not possible for the Chair to apply the provisions of the United Kingdom Parliament and its Standing Orders and conventions in this matter. You are perfectly at liberty to argue that they should be applied or applicable, I am making the point as Chairman of the Assembly that they can not be applied. That is all.

MR. G. HAIG BODDEN: I will satisfy with, 'should be applied', because I think that, and I believe that any Governor would be justified in doing what should be right.

MR. PRESIDENT: If I may comment on that and I think again I am commenting as Chairman, not as Governor. Let me make that clear.

It would seem to me as Chairman that you are requesting the Governor to go above or beyond or outside the Constitution and that surely cannot be what you mean, if I understand you correctly.

MR. G. HAIG BODDEN: Mr. President, if I appear to be saying that I can tell you, I certainly am not.

What I am saying is that we now have here an impossible situation, to use the Member's own words, the Government is unable to put through its programmes.

MR. PRESIDENT: Sorry, may I speak again?

This is not a question of debating with the Chair, you are debating the question, your opinions are perfectly in order. I only intervene to make a point that the Chair cannot rule in terms of Standing Orders in the way that you suggest, for the reasons I have given. That is the sole point that I am making.

MR. G. HAIG BODDEN: Mr. President, I am really not requesting a ruling from the Chair on it, I do not expect that. I know the difficulty you have because believe me I have researched this matter and I have come to the conclusion that this motion is wrong.

We could argue all day on if what they are doing is right or wrong, but my opinion from what I have found and from what I have seen of the Finance Committee in the House of Commons and how it works, the two committees, the Ways and Means and the Supplies Committee how they work together, that what we are doing here is wrong in that...

MR. PRESIDENT: This is fine, please you are continuing now the debate, not addressing the Chair as the Chair, I hope because you are entitled to your opinion on this, please do not misunderstand me. I am not in anyway denying that but I think you are now continuing with the debate.

MR. G. HAIG BODDEN: All right, Mr. President, I will continue with it. Perhaps I am speaking a little out of turn by mentioning the points that I am going to raise if or when we have to go to London on this matter, because it seems almost certain.

The Finance Committee which the Member hopes to put in place would be a self-serving committee to carry out his own ends and the ends of the Government in putting through matters and bringing back matters that have already been rejected by the people of this country.

The real fear out in the public is not the composition of Finance Committee, but what Finance Committee will do once they stack the cards. There is concern about the Master Ground Transportation Plan that I expect to be on the agenda for the first meeting of Finance Committee. There is concern about the Healthcare Plan which I think will be on the agenda of the first Finance Committee meeting. These are the fears. I think this is why the public are upset.

I do not think the public cares too much about who sits on Finance Committee but they certainly care if the Government forces down their throats grandiose schemes that have been rejected by the majority of their Elected Members.

As if it were not enough to change the composition of Finance Committee, they are moving even further to take control out of the elected Membership of this House because the motion says that the Standing Orders relating to committees of the whole House shall apply to the newly constituted Finance Committee.

Under those Standing Orders, Order 49(3), the Presiding Officer automatically becomes the Chairman of the committee. The Financial Secretary will no longer be the Chairman of Finance Committee, he will be pushed aside and somebody else will sit in the Chair. Other Members have commented on this. It is a demotion for the Financial Secretary just the same as it would be a demotion if we had moved the Speaker out of the Chair and put him down here in one of these Bodden Town seats. It is a demotion

for the Financial Secretary.

MR. PRESIDENT: Would it be convenient to take the break here?

MR. G. HAIG BODDEN: Oh yes, Sir.

MR. PRESIDENT: I would like to discuss the question of demotion separately with you.

Proceedings are suspended for 15 minutes.

AT 11:19 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:47 A.M.

MR. PRESIDENT: Proceedings are resumed.
The Second Elected Member for Bodden Town, continuing.

MR. G. HAIG BODDEN: Mr. President, under this amendment I had been dealing with the fact that the Presiding Officer automatically becomes the Chairman of the committee. Another change in the proceedings of the Committee is a substantial one where Standing Order 52(2) applies and that is the Order that requires that two day's notice shall be given in writing where amendments are to be considered except where the leave of the Chairman has been given. It reads 52(2):

"Notice of any amendment, new clause or new schedule proposed to be moved to the bill shall be given in writing not later than two days before that on which the bill is to be considered in Committee; and, except with leave of the Chairman, no amendment of which notice has not been given may be moved."

This Standing Order seemed to have worked quite well where it had been applied to committees of the House in that the Chairman had been tolerant and many times gave his permission for an amendment to be made on the spur of the moment. It had also worked well because normally in committees of the whole House the House had been dealing mostly with bills which had been gazetted and which had been circulated to the Members much in advance of the time that the committee stage took place.

However, if this strict rule is applied to Finance Committee we may encounter great difficulties because Finance Committee (for dealing with matters other than the budget), is usually called on very short notice. I do not think there is any provision for any long notice to be given to Members.

The Financial Secretary or the Clerk or someone from the office will call Members and say to them, "We want to have a meeting of Finance Committee tomorrow morning" and sometimes you are not even given the papers until you get into Finance Committee. So that you will arrive there and in actual practice the Member will find himself or herself at a disadvantage in seeking to put an amendment that requires two day's notice.

Even if the Chair is tolerant and allows the amendment to be put without the two day's notice, the Members are still at a disadvantage in that they would have received their papers only a short while before. What is even worse, if this rule is applied to the new Finance Committee and we have to deal with the estimates which are made up of thousands of little compartments which Members may desire to amend, it would almost be impossible. It is true that under the old Finance Committee the Standing Orders for amendments were very strict. For example 64(6) says:

"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."

The difference here is that these amendments may be moved without notice while in the other one, two day's notice would be required. It is true that this amendment does say that whenever there is a conflict, the Standing Orders dealing with procedure in Finance Committee would supersede. I can only take it to mean that when there is no conflict the Standing Orders for Committees of the House would be the rule which would be followed. Of course I am not influenced by the insertion of 62(A)(3) in the motion 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, and save that Standing Order 55 shall not apply except to the extent provided for in Standing Order 57(2)."

The reason why I am not influenced by this is because I already know the total disregard that has been shown for Standing Orders 63 to 68. We saw how the Member for Health moved the suspension of 67(1) which is a part of 63 to 68. So this is no guarantee that a procedure will be followed which runs smoothly because with the new composition of the Finance Committee it will be a simple matter to make any Standing Order or the application of any Standing Order of non-effect.

Finance Committee has been useful primarily as a check upon Executive extravagance. Now we see that check disappearing because the Official Members, the civil servants who will spend the money, are now sitting in Finance Committee where they vote the money. I had always believed that the role of Finance Committee is to accept or reject the Government's proposal. It seems to me that the mover of this motion particularly has evolved a new philosophy whereby the role of Finance Committee is to accept the Government's proposal and I say this because of his own statement where he said the Backbenchers can have their say, but Government must have its way.

I would like again to refer Members to Wade & Phillips on the functions of Parliament, page 123.

"It has been shown in discussing the transition to Cabinet Government that it is Parliament that makes and unmakes the Executive. In order to retain office and to secure the passage of legislation and the grant of supplies (or the vote of monies) a Government must command support in the House of Commons."

Further down in the paragraph it reads:

"It is through their representatives in Parliament that the electorate controls the Executive."

My interpretation of this is that the electorate can only control the Executive where the Elected Members form the Finance Committee. So if we allow this amendment to go through, we would be removing the check of controlling the Executive, because as stated earlier, it is through their representatives in Parliament, the Elected Members, that the Electorate controls the Executive.

In 1881 and 1891, it was a common practice to have widely-drawn resolutions, which in the House of Commons apparently allowed the infringement of the financial initiative of the Crown which would have been possible under different circumstances. My great fear is if the Finance Committee is watered down by the addition of three Official Members it will be easy for the Government to put through schemes such as the Master Ground Transportation Plan. Schemes which would not ordinarily have passed the scrutiny of our Finance Committee, schemes which have in effect been rejected by our Finance Committee.

In a statement to the House of Commons made on the 9th of November, 1937, the Prime Minister announced that instructions had been given to the departments and the Parliamentary Counsel's Office. Financial resolutions in respect of bills, would now be framed as not to restrict the scope within which the committee on the bills may consider amendments (further than is necessary), enabling Government to discharge the responsibilities regarding public expenditure, leaving to the committee the utmost freedom for discussion and amending details which are compatible with discharging those responsibilities.

It has always been recognised that in Finance Committee, Elected Members must have unfettered opportunity to closely scrutinise Government programmes, so that there can be no risk of fraud or anything else. Elected Members must be given full scope, and must not be restricted by any additions which would hamper the free scrutiny of public programmes. It is my contention that the application of the strict rules of Committees of the House would hamper this liberty which Elected Members should enjoy.

The operation of the new Finance Committee would make the presence of most of the elected Members unnecessary. With the seven votes guaranteed by the Executive Council there would only be the need for one other Elected Member to put through any programme and we would have a situation where, in the spending of money, although the majority of the Elected Members are present, seven out of 12 are present, they could not prevent the spending of any sum of money.

I wonder if the Members realise that their new Finance Committee would be an identical twin to the Legislative Assembly, its composition would be the same. It would have the same person as Chairman, it would have the same three Official Members, the same four Elected Members of Executive Council, and the same other eight Elected Members. The rules would be the same as for committees in the Legislative Assembly, whatever one body did, it follows it is axiomatic that the other body must do. This would be incest of the highest order.

In fact, if they were people instead of bodies the law would step in to prevent such a situation. These two bodies would only be different in name, Finance Committee and Legislative Assembly would be identical.

As those two bodies exist today, they are not incestuous, they are completely different. Chairmanship is different, number of members are different, qualification of members are

different, rules are different, now we are discarding this and creating a new creature identical in every shape and form. I believe it would be better to do away with Finance Committee altogether than to go through this farce.

In the House of Commons one of the most important resolutions is that 'Mr. Speaker do now leave the Chair', and this is the motion which normally removes the Speaker when they are going to deal with financial matters and this had come about because of the traditional insistence of the Commons on considering grievances before granting supplies or voting money.

This has been a well known practice in our Finance Committee where the Presiding Officer does not sit as Chairman as he does for committees of the House, but divorces himself from Finance Committee. Finance Committee provides an opportunity for the discussion and criticism of administrative policy. In the House we are not able to criticise public servants and I think this is fair enough unless we do it on a substantive motion.

Finance Committee is the place where an Elected Member can question if a Head of Department or a senior civil servant is doing a good job and since Finance Committee votes the money to pay the salaries and to carry out the programmes, Finance Committee has the right to question. If we put the Presiding Officer, which in our case is the Governor who is responsible for the Civil Service, in the Chair of Finance Committee it would be certainly an embarrassment to the Head of the Civil Service when his senior civil servants are criticised. We would diminish the right of Elected Members to deal with a matter like this if we place the Head of the Administration in the Chair of Finance Committee.

Also from Wade & Phillips page 127, the last portion of the last paragraph:

"It cannot be denied that under modern conditions the concerted action of the Opposition is the best means of controlling a Government by criticising defects in administration loudly enough for the public to take notice."

You see these are the rights which are going away with such an amendment. If the Head of the Administration sits as Chairman, timid Members like myself may be afraid to question the idiosyncrasies of the Civil Servant, and the country would suffer because we, as Elected Members, would not freely be able to criticise defects in administration loud enough for the public to take notice.

Let me tell you in my experience here, many good things have come from Finance Committee questioning the actions of civil servants, from summoning the Head of the department to Finance Committee, talking to him in a man to man fashion.

There have been improvements in the Police Force, improvements in traffic, improvements in every department of Government because concerned Elected Members called these Heads of Departments and could say to them, "We know" or "we believe" or "we have heard this is going on, can you explain it?" This type of dialogue has brought a very close relationship between the civil servant and the Elected Member and these two are linked together in that the Elected Member votes the money and the Heads of Department spend the money.

It is my belief that we would be stepping backwards into time if we remove the Financial Secretary from the Chair of Finance Committee and put in the Presiding Officer. This is not a criticism of the Presiding Officer, it is just that they are different jobs.

Ever since 1972, our Constitution has contained a fair measure of internal self-government where Elected Members of Executive Council are given responsibility for many of the departments of Government. I would not like to see this changed but on the other hand, I cannot see how we can tolerate a system where civil servants, who put together their own budgets, can be allowed to take those budgets through all of its stages. There would be no check or balance on it.

I heard the First Elected Member of Executive Council try to argue that these Official Members are involved in the first stage of the budget which is the preliminary preparation, putting it through Council and they are involved in the third stage which means the passage of the Appropriation Bill and this is the reason why they should be involved in the middle stage. I never thought anyone could argue like that because this is the reason why they should not be involved in the middle stage.

They have done all the early stages, they are involved as Members of the Legislative Assembly in the final stage, they are involved as Members of Executive Council in the early stages, they are involved as Heads of Departments or whatever position they hold in the early stage.

They cannot be involved in the middle stage. This could never be right because if we do that; we have no check nor balance. This is not to say that I mistrust the Official Members, but the principle is bad and in any case I would think that they themselves must be unhappy when they control votes that run into several millions and there is never anybody to look into their budgets.

The fact that these Members are involved in the first and third stages as the Member has said is the reason why they can have nothing to do with the middle stage. The Elected Members of Council are different because it is the civil servants, the Heads of departments and the Principal Secretaries that prepare their budgets.

What is going to be the position with the Financial Secretary with his budget, if he is now going to become a Member of the committee rather than the Chairman, because as Chairman of the committee he has no vote with the exception of the casting vote?

I cannot move from this subject without paying a tribute to the

present Financial Secretary. He has won the confidence of the entire business community, bankers, insurers, off-shore investors look to him as a source of strength. A good foundation had been laid by his predecessor, Mr. Vassel Johnson, but today our Financial Secretary is dealing with far more complex issues and much larger sums of money than his predecessor. When the prophet Elijah threw his mantle to Elisha the angels in our economic heaven rejoiced.

It is a mistake to remove a qualified and experienced person like our present Financial Secretary from the post of Chairman of the Finance Committee. I have great respect for Governors and while one or two of them may have had some experience in financial matters, it is quite possible that we could have a Governor that is lacking in financial expertise although he may be quite suitable for the job as Governor in other respects.

That job I think is a specialised job and it is a mistake to remove a qualified and experienced person from the post of Chairman of Finance Committee, particularly when Elected Members of Executive Council are agitating for schemes that will run over \$20M, \$50M and \$200M. It is mistake this country cannot afford to make.

If I want to be nationalistic, I would say it is a mistake to remove an honest and hard working Caymanian from the post that he has filled so faithfully. My colleague here from Bodden Town talked about how the system has been cannibalised. I wonder if anyone else is going to suffer his fate? It is a mistake to remove a person who has shown that he had his hand on the pulse of the business community. It is a terrible mistake to remove the man that is trusted by investors and entrepreneurs.

The Government has been beset by many scandals but I think the demotion of the First Official Member is by far the greatest scandal that this country has seen.

The few remarks that I have made so far are not my ideas alone. Some of them come from organisations that are made up of people with much more brains than I have. Some of them have also come from people, common people, who walk the street, but who have a clear insight into what is happening and who seem to have a penetration far deeper into the ludicrous proposition that is before this House.

I have one statement here that was handed to me by a young person from my constituency. He heads this paper - 'Let's examine the Facts'.

"Fact number 1. - The people elect 12 persons to represent them in mapping out their country's future."

Notice the word, mapping out, not destroying. This House has been elected to map out the future, not to destroy it, not to take away the rights of Elected Members; and Elected Members, and not Official Members, would determine how our money is spent.

"Fact number 2. - Four of those 12 are elected to manage the country's affairs on a daily basis by leading various Portfolios in a manner reflecting the will of the majority of the 12 Elected Members and hence the will of the majority of the people."

This is certainly insight into our political system coming from a young man that cannot be more than about 25 years of age. Something that has totally escaped the Elected Members of Executive Council. Elected to manage the country's affairs, not elected to change how the Constitution works because they were the words of the Member, he is going to change these Standing Orders to make the Constitution work and he could have added to make it work his way because the Constitution has worked for 18 years, the Constitution which he approved as a Member of this House. The Finance Committee which he set up as a Member of this House has worked in every Executive Council in every Government since 1972.

"Elected to Executive Council to lead the various Portfolios in a manner reflecting the will of the majority of the 12 Elected Members and hence the will of the majority of the people."

The two Members from Cayman Brac know the will of the people of Cayman Brac, they know, they have been told in no uncertain terms the will of the Cayman Brac people.

The two Bodden Town Members know the will of Bodden Town, because as I showed you earlier, I was elected on a simple manifesto in which the people said to me, go ahead and preserve the system, do not allow them to erode the control of elected Members over finances.

We know because the people who voted for me also endorsed my colleague the First Elected Member because he had given me his unreserved approval and it totally rejected the Government's candidate, so the Bodden Town people have spoken to us and the Cayman Brac people have spoken to us. All the other people have spoken, they have spoken to the Elected Members when they travel to Cayman Brac, they have spoken through letters to the press.

I have not talked to any single person who approves the action of the four elected Members and I challenge them today if they believe they are doing right, go to the polls, do not

be cowards, go to the polls, let the people talk because the will of the people is the will of God.

"Fact number 3 - Elected Executive Council's directions are carried out by the Civil Servants.

Fact number 4 - Financial Secretary is a Civil Servant who is charged with carrying out the Elected Executive Council's directions."

He does not represent the people of the country in that he does not put forward national projects or direct the future of the country. He certainly did not propose the Master Ground Transportation Plan, Ezzard's Inn or the wild West Bay Post Office.

This is a time to search our consciences, this is a time to study the will of the people and fact number 5 - goes on:

"therefore it follows that if it is the elected Members who are responsible for leading the country and directing national projects, Civil Servants who are not elected should not be involved in voting biasly for funds for projects which they were not elected to introduce."

This young man could write a book on constitutional law because he has an insight into it far greater than some of us. The sentiments of this young man are indicative of the people of his age because we are dealing with young people out there that are better educated than any of us. It has gotten to where I cannot do the homework that is given to my grandson anymore. If we believe that we are the know it all in this country we are sadly mistaken and it is time that the Government listen to the drumbeats because if you do not mark time, if you do not march to the drums which are beaten you will be sadly out of step.

Civil servants who are not elected should not be involved in voting funds for projects which they were not elected to introduce. We have to have, as one speaker talked about, the separation of powers where certain people ask for the money and other people vote for it.

"Fact number 6 - The Finance Committee as it is now structured was designed to prevent the Elected Executive Council from operating against the will of the majority of the elected Members thus preventing abuse of office, corruption and dictatorship."

If I am unable to contest the next election I am going to give this name to my colleague here because he will have a erudite and informed other member.

MR. PRESIDENT: It might be a convenient moment to take the break?

MR. G. HAIG BODDEN: Yes, Sir, since I am only half-way through this.

MR. PRESIDENT: Proceedings are suspended until 2:15.

AT 12:46 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:17 P.M.

MR. PRESIDENT: Proceedings of the House are resumed.
The Second Elected Member for Bodden Town continuing.

MR. G. HAIG BODDEN: Mr. President, I will continue to deal with a few more facts as set out in the paper which we had been discussing before the lunch adjournment.

In a democracy a majority rules. In a dictatorship a minority rules, and perhaps there is no need for me to comment on this because the Member who moved the motion some time ago, following a General Election, said in the House that the majority rules and to the victors go the spoils, so he understands and I know other Members understand, that in a democracy we must have majority rule.

The four Elected Members of Executive Council have put forward proposals which were rejected by a significant majority of the Elected Members and hence rejected by a majority of the people, as is evidenced by their support of the Backbenchers. I can say this is true, never have I seen the Backbenchers so popular, never have I seen so much support for their efforts in controlling Government's spending.

At the moment the elected minority rules, I do not know if this is permissible, but it says, "four parrots and their perch". The amendment proposed by them is needed by them, in order to give them, the elected minority, the lawful means of imposing their wills and projects on the elected majority. This is very simple, as we see seven Elected Members on this side of the House who formed the majority out of 12 constantly defeated by five Elected Members plus the Official Members. This was borne out yesterday afternoon in the vote on the Private Member's Motion.

There are other points raised in this paper but I will not pursue them as I am running short of time, as there is only about one hour or one hour and half left for me to speak.

This morning I made the point that this Government had not

received a mandate to change our Standing Orders realising of course, they do not need a mandate to make simple changes but it is my firm belief that they need a mandate if they are going into a change which will result with the interference of the system of democracy as we had enjoyed it.

The Government also did not receive a mandate in the 1988 Election to pursue massive projects such as the Master Ground Transportation Plan. Why is it now that the Government has become frustrated because they were not able to put it through? The Government, by its own admission, had been able to put through their budgets in 1989 and in 1988 as well.

One-half of their term of office has gone. They have been able to put through two of the budgets, the only two budgets which they have so far prepared. What now is their fear? Can they not believe that the Members who supported their budgets for the years 1989 and 1990 will also support their budgets for 1990 and 1991? They need not have any fear about any budgets after that.

They did not campaign on any issues, such as massive expenditures, massive taxation. How can they now change the rules, so that they can get on with excessive spending which will result in excessive taxation which will give them more money to spend again?

Apart from individuals being against this motion, many organisations have written letters to the Members, have filled the newspapers with objections and one of those organisations was the Caymanian Bar Association.

One claim it makes is that the time allowed for consideration of this motion is too short. I tend to agree with this. I know full well that the motion was Tabled in time to meet with the Standing Orders of the House.

Be that as it may, the significance of this motion is so great that more time should have been allowed for the public to have their input to this motion.

The Member moving the motion realised and in fact, implied that more time could have been given, and goes on to tell us the reason why he did not choose to give us more time. He said they could not release this before 7 o'clock on the 30th of May because they did not want it to become a campaign issue in the Bodden Town by-election.

If the Member believes this, can anyone tell me how he could have the nerve to make such a statement? He need not have worried about this motion affecting his candidate because she was doomed from the time that he first associated himself with her.

By saying that he did not want this to be a campaign issue he has admitted that it cannot stand the scrutiny of the people at the polls. This is a clear admittance that the motion is faulty beyond disbelieve. I quoted earlier of an instance where the Secretary of State had said, dealing with a Constitutional change, that a matter of that importance should be taken to the polls at a General Election.

The same applies to this change in Standing Orders, which is very important because it changes a whole system, the system of dealing with our financial matters.

If the Member knew that this proposal which he has put forward is so weak, so bad, so poor and so wrong, that it could not stand the test of a by-election, where only one seat was involved, how wrong it must be, and unable, to stand the test of a General Election.

So, holding up this motion was actually playing politics with it. If you are afraid to take it into the political arena the motion can be no good, because certainly if this matter becomes a part or an issue in the next General Election, we will know how the people feel about it. The timing was very precise, perhaps it might have come on in an earlier newscast that day, but the Bodden Town people, true to their pattern of voting, had been coming out to the polls very slowly during the day and doubtless the Member had been receiving very up-to-date information on this Election which he seemed to have monitored from the very start.

Up until 4:00 that afternoon only about 600 people had turned out to vote and the other 400 people came out in the last two hours of the poll. So there was uncertainty in his mind of the results of the Election I understand caused by a disastrous computer error which I do not have the time to go into. The first announcement was made on the evening news after the polls had been closed.

I am questioning, why was a topic as important as this not aired on Radio Cayman's open line in March or April this year? Why did the Government not try to get some input before seeking to make this substantial change? Radio Cayman has been used on several issues, so that the Government may get some feedback on the public's view. I think this is fair enough, there is nothing wrong with this. This is a question that many listeners would have liked to call in on. Why did the Member not ask the Director of the Radio to run a forum on open line?

When we consider the amount of money and time that has been spent to brainwash people with the hospital plans over a period of many months when we heard this jingle, 'Caymanians for Health, and Health for all Caymanians'. Why was this motion not exposed to public view for a month or so before the motion was ready for Tabling?

It is only now that the public are beginning to understand the complexities of this motion that will change forever the way of life in the Cayman Islands and the way in which we are losing control over our finances. Members will recall that although the newspapers realised immediately that this was a bad move and attacked it vociferously in an editorial, the newspaper in that first editorial and in that first article did not comment on the fact that the Financial Secretary had been demoted or would be demoted and removed as Chairman.

I think the reason why the newspaper did not attack that point is because this was not clear in the motion which had been released, the motion which had been sent to the radio, the one which is before the House. An ordinary person reading that motion would not realise that the Financial Secretary had been, to use my colleague's phrase, 'cannibalized'.

All the amendment says is that the Standing Orders which apply

to Committees of the House will now apply to the newly constituted Finance Committee and one has to do research to find out the far-reaching effects and one of these effects is that the Presiding Officer, being the Chairman of a Committee of the whole House, would, if the same rules are applied to the new Finance Committee, automatically be the Chairman.

It is my contention that this motion even when published, had in it facts which were hidden, and facts which perhaps they could have intended to hide, because if this were not so, why was this fact not included in the recital to the motion? This is one of the most important changes caused by this amendment. The change is very important because changing the Financial Secretary or removing him from his Chairmanship not only demotes him, but also makes him an extra vote for the Government.

They made a lot of the fact that Finance Committee would be open to the public, the sugar coating to swallow the bitter pill of losing the right of the electorate to control the Executive by using only Elected Members to determine how their money could be spent.

I am very concerned about the fact that Official Members of the Legislature now become Members of Finance because we know how quickly they can change. We have seen the musical chairs played here last week and again this week with the seat of the Second Official Member of Government, where one day one face is in that middle seat and the next day another person is there.

We know this is all Constitutional, we know the Governor can appoint temporary Members. I have no fault to find with this, but this little game of in and out can be no good for financial matters. Who knows, who knows what will happen in the future? The next Attorney General may arrive by air, from wherever he is recruited, and be driven right here after the necessary oaths and start to spend our money.

Elected Members do not come into Finance Committee in that fashion. Elected Members undergo the most rigorous test, the test of satisfying the electorate, the majority of them, and they are proper persons to sit on Finance Committee and in the Legislative Assembly. I am not disparaging the Official Members, I am talking about the odd situation where a person who has never been to the Cayman Islands before, a person who may have never heard about finances, walks off the plane and sits down to spend our money.

You see if this motion could help our ailing Government to regain a little of its respectability, I might agree with it. What this country needs is not a few sugar coated aspirins, it needs a root canal job. We need surgery to remove the ugly cancers that are beginning to destroy our country. This is a case which cannot be over-done by language, I realise that because I am not even one-third through my notes and will have to stop in another 60 minutes or so.

Because of the way this motion has been handled, I am of the firm belief that it has not been thought out properly. It is an ad hoc measure which the Elected Members of Council believe will help them to get through massive programmes which have already been rejected. We saw this on the very first day that we dealt with this motion. You may know that when this matter went to the Standing Orders Committee being held for the first time in the open, at the conclusion of that committee meeting we would have had to stop for several days, because we were now faced with a situation where the verbatim minutes from that recorded session would have taken the staff of the Legislative Assembly many hours or days to transcribe. And what was the result? Just so things could function and the public would not know how great the embarrassment was that the Government had found itself in, we, as Members of the House agreed that the Report could go back to the House unaccompanied by the Minutes. And to my knowledge the Minutes of that meeting have not yet been typed. It is my understanding that if one clerk types the Minutes, (only one clerk can type from the tape) it may take as long as a week to properly do one full day's proceedings in the House - to have it proof read, edited and properly transcribed.

When Finance Committee is held in the open House and lasts for five days, I am wondering how long it is going to take the staff of the Assembly to transcribe those minutes and have them ready to be reported to the House.

So there is evidence all around that this motion has not been thought out properly. If we need more evidence we only have to look to the confusion of the mover, because even the motion for the rejection of the report from the Standing Orders Committee had to be redone, had to be re-worded, had to be amended. Of course confusion is a way of life with some people.

MR. PRESIDENT: I think that I should point out that the Chair has a responsibility for that, because I passed the motion in the first place, incorrectly. So the apologies are due from me.

MR. G. HAIG BODDEN: I agree with you, Sir, but I do not think you should apologise for that Member but I appreciate how kind you are.

HON. BENSON O. EBANKS: He is confused, Sir.

MR. G. HAIG BODDEN: I appreciate how kind you are, Sir. The public is very tolerant, there are some of them who comfort themselves with the belief that if these Members succeed that they will be merciful and will not go on to these schemes which they know we cannot afford, but in my opinion it is madness.

It is folly to expect mercy from those who are taking away our rights. It is folly to believe that if Elected Members are curtailed in any fashion that these good boys will not spend our monies freely. It has been said that the cunning of the fox is as murderous as the violence of the wolf and we ought to guard equally against both of them.

The First Elected Member of Executive Council read from the Minutes of the Parliamentary Seminar a paragraph of one of the speeches made by the Honourable St. Clair- Daniel

and the Elected Member did exactly what I expected he would have done.

He read the first four lines of that paragraph to prove his case but did not read the last part of the paragraph. What is even worse, did not touch upon the succeeding paragraph which would have destroyed the Government's case altogether and I have those Minutes here. Unfortunately they are not paged, but it is the sixth page from the last.

The point that the Member for Tourism had been trying to establish in his very weak and pious submission was that the composition of the St. Lucia's Finance Committee comprised all Members of the House.

What he did not say is that in St. Lucia they have two Houses and the Finance Committee comprises the lower or the Elected House but not the Senate. So for the benefit of Members I will read what Mr. St. Clair-Daniel had to say.

The most important fact to arise from this seminar was that the mover of this motion called in this report, the Honourable Benson O. Ebanks, O standing for Obadiah, had questioned the Resource Speakers on the composition of Finance Committee, which leads me to believe, although my mind races pretty fast sometimes, that from then, from day one his mind had been absorbed with the question of a change in the composition of Finance Committee. Furthermore other questions were asked by other Members of Executive Council. Questions which I knew and I know they knew the answers for. What Mr. St. Clair-Daniel said on that day was what we are saying today, Elected Members and only Elected Members sit on Finance Committee. These, and I quote from this document the words of the Honourable St. Clair-Daniel:

"I think, if it is a matter of the composition, well, in St. Lucia the Standing Finance Committee comprises all the Members of the House. It is presided over by the Speaker, but it could be presided over by the Minister for Finance."

That is where the Member for Tourism stopped, but the balance of what Mr. St. Clair-Daniels said is this:

"As was pointed out earlier on that, under the Constitution for the Cayman Islands there is not a Minister for Finance but there is a Secretary for Finance and he takes that position. It was pointed out that it is the Elected Members who provide supplies," which means vote money "and they are the ones authorised.

We have (that is in St. Lucia), "a bicameral Parliament, but the estimates are never laid in the Senate. The only thing that goes to the Senate is the Appropriation Bill and they cannot delay it beyond a certain specified time. It is the elected people who give the supplies (that is the House of Commons term for voting the money), "and therefore if you do not have a Minister of Finance it is quite appropriate for the Secretary of Finance to preside and give the explanations and guide that Committee. It is the elected Members who make the decision, and all of them are there.

When the Constitution changes, if it ever changes, then the changes would be made to accommodate whatever changes there are."

Nothing could be clearer, Elected Members in St. Lucia, Elected Members in the House of Commons, Elected Members in Jamaica, Elected Members throughout the Commonwealth give the supplies or vote the money. What I am saying, not only is Government doing wrong but they know they are doing it because they had the answer. It may not have been the answer they wanted but they certainly had the answer.

Another revered Member of Parliament, a man that was a former speaker of the Jamaican Parliament, a renowned lawyer, Mr. Ripton McPherson, had this to say about Jamaica and I just want to quote this because the Member who moved this motion told us a lot about how Mr. Carl Rattray, a man well respected in Cayman, a Member of the Senate in Jamaica, is involved with large sums of money. What the mover did not tell, is that as a Member of the Senate in Jamaica, Mr. Carl Rattray did not vote monies.

He, I believe, was the Minister for Justice and had some responsibility for the expenditure of large sums of money, but he did not vote, he sat in the Senate as an appointed Member. This is what Mr. Ripton McPherson said:

"In Jamaica the procedure is that the estimates or supplementary estimates are committed automatically to the Standing Committee of the entire House to be dealt with, that is the Finance Committee.

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 happened

to the taxes and what they were being used for."

I know we may get an uninformed Member jumping up to say that Finance Committee does not tax people but I would just ask him, and if I have the time I may give him the reference, to look in Erskine May and he will find that in the House of Commons taxation and spending go hand in hand. The Committee of Supplies provides the money while the Committee of Ways and Means finds the money which is voted by Supplies. In other words, if there is no spending, there is no need for taxation. The two are intermingled. They go hand in glove.

So there can be no taxation without representation, there can be no spending of money, no voting of money, no giving of supplies, without the vote of elected Members. This is what has made Cayman great.

We know other countries have gone the wrong way. When they could not have their way the rulers changed the game, they changed the rules. We know about the President, in Malawi who amended the Constitution to make himself President for life. Changing the rules to suit himself and we would be silly today to allow these Elected Members who cannot have their way, change our rules of Finance Committee for their own personal aggrandisement.

I am in sympathy with them, my heart bleeds with them, they have lost their elected majority. They have lost the support of their Backbenchers, but there are a lot of us here. They have lost the support of two gentlemen whom they believed would have been extension cords for them, they have made a mistake but there are other Backbenchers here. There are six of us, by all appearances they have already won the hearts of one and there are two other Members here that would welcome kindly overtures from them.

The Third Elected Member for George Town and myself would be happy to cooperate with them but they must find a way of wooing us. They cannot get our support unless they use the right approach and the right approach in my books is producing proposals, motions, projects that can stand the test of a General Election or stand the test of the By-Election or whatever it is.

Projects must help this country, projects that must be for the benefit of all projects that will not result in excessive taxation. All of us, even their estranged counter-parts are willing to be renegotiated, they only have to come up with something that is sensible. But believe me, they are not going to change the rules to perpetuate their own existence.

There was another gentleman who answered questions to these Elected Members of Executive Council, Doctor the Honourable David Tonkin. He comes to us from London from the Secretariat and he had this to say:

"Now, I think the obvious difference here, apart from the difference between supplementary estimates and the general estimates' consideration, is the fact that in most of the Parliaments all of their members are Elected Members. The fundamental difference here is that the Finance Committee is a way of making sure that it is the Elected Members who examine the financial expenditure in the true traditions of Westminster."

What an opinion. I could rest my case on that! "Finance Committee," look at the way he puts it, "Finance Committee is a way of making certain," talking about our situation and of situations similar to ours. Finance Committee is a way of making sure that the Elected Members and the Elected Members only vote the funds, but what have they done? I explained this morning about this monstrosity that has been created. Where they are going to put back Finance Committee with the same composition as the Legislative Assembly. It will be Finance Committee in name only but will be the image, it will be an identical twin with the Legislative Assembly. Finance Committee which will be constituted under this motion, will no longer be a Finance Committee that can ensure that Elected Members who examine financial expenditure in the true traditions of Westminster, sit in Finance Committee.

The Honourable St. Clair-Daniel had more to say because I believe he could see that his message was falling on deaf ears. I could well believe that the gentleman knew that his answers had not been well received. He went on to say:

"I think, Mr. Chairman, the matter goes even further back. It goes right back to the Declaration of Rights when it was pointed out that Parliament should have the power to impose taxes. It starts way back from there - that the King could no longer do it by himself with the Barons, and that the Commons should be the one. It goes right back to the Bill of Rights, 1688."

I will not be going into the Bill of Rights because my friend the Second Elected Member from Cayman Brac mentioned the Bill of Rights. But the principle is as old as the hills, from time immemorial, from 1612 from the Magna Carta. The principle has not changed, that the only way to control the Civil Service is for the Elected Members to give the supplies and find the means and ways of paying for them.

Let us come nearer to home, let us look at what has happened here and one of our own people, a distinguished woman who served as the Clerk of the Legislative Assembly had these words to say. Mrs. Sybil I. McLaughlin, she said:

"Well, I think that this has already been covered by Mr. McPherson who very clearly pointed out that in a full House [that is in Cayman] you have the Elected Members plus the Official Members as well, and if you were to go into all the details of supplementary financial matters it would take up a lot of time of the House. Whereas in a Committee you would be able to properly bring in some of the questions which perhaps may not even be allowed in the House. But the time of the House would be more appropriately devoted to giving a decision on a matter which had already been considered by the Elected Members of the House in great detail."

I touched on this this morning when I said that the Governor, as the Chief Administrator of the Civil Service, could well be embarrassed or perhaps blush a little if he heard his civil servants coming under attack in Finance Committee.

Finance Committee is intended to deal with matters which have never been in any other country sufficiently dealt with in the House but now we would take, by this amendment, Finance Committee and replace it with the Legislative Assembly but changing the name because that would be more or less the only difference.

One other speaker, the Honourable Sir John Sharpe told about the situation in Bermuda, he said:

"So now we have a Minister of Finance whose sole responsibility it is, as part of the Government, to exercise that requirement. But the point has been made here, too, that the expenditure has always rested with the elected Members of Parliament.

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 Members 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."

MR. PRESIDENT: Should we take the break here, is it convenient for you?

MR. G. HAIG BODDEN: Yes, Sir.

MR. PRESIDENT: Proceedings are suspended for 15 minutes.

AT 3:17 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:43 P.M.

MR. PRESIDENT: Proceedings of the House are resumed. Before I invite the Second Elected Member for Bodden Town to continue, there is an unfortunate matter I have to draw to the attention of the House. Some documents, I think principally a yellow legal pad with notes on the debate and perhaps some newspaper clippings have disappeared from the desk of the Honourable Elected Member for Education. There is, of course, no implication that any Member of the House may be involved in it but I think it would be very helpful if any Member of the House who might know anything about it could take the necessary steps, particularly if it involves a member of the public having come into the Chamber.

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, I know the First Elected Member from Cayman Brac has been under severe pressure ever since the start of this debate. In order to comfort him I would suggest that he turn to his Bible and read the 32nd Psalm, paying special attention to verses eight and nine. Verse eight reads:

"I will instruct thee and teach thee in the way which thou shalt go: I will guide thee with mine eye."

Perhaps it would do the Elected Members of Executive Council

well to read the Psalm in its entirety.

I would also invite the Members of Executive Council, the Elected Members to come down out of the clouds and to place their feet on terra firma again. I would invite them to accept fiscal responsibility, they must learn to cut their coats by the cloth they have.

If the Elected Members on this side of the House feel that their programmes are unreasonable and because of that Finance Committee refuse or delay their grandiose schemes, they must accept it because these Members depend upon the favour of the Backbenchers to get their programmes through Finance Committee.

In Henry the VIII, Shakespeare had Wolsley cry out, "Oh how wretched is that poor man that hangs on Prince's favours". As Elected Members of Executive Council, they depend on the favours of other Members to support their programmes. This is the way it has been ever since we have had a Finance Committee going for 31 years.

I know it is difficult for them to accept this, and I would like to remind them of the story of Willy Loman, told in a book that was at one time a best seller, 'The Death of a Salesman'. Willy Loman's father had died and he was crying, and in trying to comfort him a friend said to him, "remember your father was a salesman, a man living out there depending on a smile and a shoe shine. Depending on people to smile and when they do not smile back you have your earthquake."

Elected Members of Council are in this delicate position. They have had their earthquake because the Backbenchers have frowned upon their programmes, but if they are true leaders they must accept this because it is not what happens that counts in life, it is how you deal with what happens, that separates the men from the boys. They have lost, they have lost badly. The options are open, the mover said if it was not cowardly he would have gone to the polls or would have resigned. But not having done that; I suggest that he should not change the rules of the game in order to further his own ambitions.

One principle of democracy is that in order to stay in office, in order to govern, one must have the consent of the governed. If the public does not agree with their narrow views, if the public does not see things as they see it, they must put a halt to these things because after all, they are only the servants of the people. They must accept defeat and move on, they cannot change the rules. If they do not respect the Backbenchers, they will find themselves like Wolsey, far beyond their depth in a rude stream that will forever hide them.

The fact that the Elected Members of Executive Council are no longer able to make the Finance Committee work is not reason for changing it. It is time for them to go home, it is time for them to go to rest, it is time for them to sleep. They are not the first Government in our long history and in the history of the Commonwealth or in the history of the world that have come against this situation.

Do you remember May the 8th, 1940 when Sir Winston Churchill was called in from First Lord of the Admiralty to lead the British Government? Chamberlain, the Prime Minister had returned from Munich in 1938 after the rape of Czechoslovakia, clutching an umbrella and a piece of paper which he said guaranteed peace in our time.

At the dawn of May the 10th, Hitler flung his proud and unbeaten forces against the low countries and towards France and the Channel ports and at that moment Mussolini joined his access partner in the war. The hour of Britain's greatest peril had come and the King sent for Sir Winston Churchill and pointing a finger at Chamberlain, Churchill said the words which I am going to say to them, and which had been used on a prior occasion in 1653, "you have sat here too long for any good you have been doing; depart, I say, and let us have done with you in the name of God, go". These were the words with which Sir Winston Churchill dismissed the faulty Government. These words had also been used by Oliver Cromwell when he dismissed the long Parliament in 1653. Churchill's fellow Conservative, Leopold Amery, had levelled these words at Chamberlain. Chamberlain stepped down; King George the VI called upon Sir Winston Churchill, a new Government was formed and the world was saved.

We have a crisis today which for the Cayman Islands is just as great as the crisis faced by the British Government. Elected Members of Executive Council have given up all hope and all desire of working with the Backbenchers. Can the public believe that the four men elected to Executive Council would have a motion of this great magnitude and would play politics with it instead of inviting the Members of the House to come and sit down with them and to look at these changes which would mar forever the lives of the people of the Cayman Islands?

We hear them talk about the anomalies of the old system. It is strange they do not tell us what those anomalies are. They do not tell us why no Elected Executive Council over the last 31 years has ever come against those anomalies. It is strange that they cannot tell us how the mover of this motion was one of the great architects of our present Constitution and how he sat on a committee of which I had been a Member and the late T.W. Farrington and the Clerk from the House of Commons and Mrs. Sybil McLaughlin, and drafted the Standing Orders that he is now complaining about. The Standing Orders which established the Finance Committee which has worked so well for 18 years.

He was there, he helped to set up the Finance Committee. He had signed the resolution that brought about the 1972 Constitution and now in the evening tide of his political career he finds there are anomalies, when he is about to depart forever into that area where there will be weeping and gnashing of teeth, he talks about anomalies that have to be corrected. All bad workmen blame their tools.

There is nothing wrong with the composition of Finance Committee, had there been, other Presiding Officers would have found it out, you would have found it out. Members of the Assembly would have found it out, members of the public would have found it out. There is nothing wrong with the Finance Committee as constituted under our Standing Orders.

The problem is with the leader, the mover of the motion

because the other people that surround him are looking to his wisdom, gathered over the ages to guide them or misguide them, as it more naturally appears. If we reject this motion which has come to us from the Standing Orders Committee saying to us, there is no need to change Standing Orders, we would be entering upon a suicidal path which will leave our country naked and broke and its people without a chance of controlling their finances.

In a few years if we adopt the new system, which this Member would have us adopt, we will be like other countries around us, Brazil, and Mexico, Guyana and Jamaica out there trying to borrow money to pay the interest on the money that they have borrowed.

We do not want this, we do not want the Master Ground Transportation Plan which we know will come on the first agenda of the Finance Committee. We want new roads, we want our roads repaired, we want what we can pay for. I may say the same for the hospital. You see there is nothing wrong with change if change is in the right direction.

I believe this move will damage the stability of this country if it is allowed. If it has not already damaged the stability it will damage democracy. It will reduce the authority of the Elected Members, it will encourage autocratic rule, it will take away the only checks and balances which the electorate have over the Executive.

MR. PRESIDENT:
to go to make your four hours.

Perhaps you would like to be advised that you have five minutes

MR. G. HAIG BODDEN:
quickly but I will try to keep within the four hours.

All right, Mr. President, I never thought that the time could go so

I attended the only meeting which Executive Council Members held in Grand Cayman to explain this wonderful motion to the public and I came away saddened because I did not hear one single word from any of the four speakers that would encourage me to support this motion.

I heard about their sex life and I heard about how bad these Backbenchers are and I heard about the Unity Team Government, but there was not one single reference to any country within the Commonwealth that had a Finance Committee made up of other than Elected Members. I never heard one single word from them about how the other Governments in the past had worked so well, how this country had risen to prosperity in the last 31 years using the same Finance Committee which we are now trying to discard.

All I heard were the moans and groans of people trying to roll the stone uphill, as my colleague tells us about. The structure of our Finance Committee has remained the same as it had been over the last 31 years.

Finally, I come a begging a favour from you and that is that you will release the Official Members of Government from their collective responsibility and leave them to vote either by abstaining or to vote their conscience on this matter. While I do not have time to go into it, I know this had been done on the Speaker's motion which had with it some constitutional connotations and it had been done with a motion of confidence that had been brought in this Chamber sometime ago and it had also been done in simple matters like the religious observance of Sunday.

As a favour to this country, I would beg you, if you think it wise, and you alone have the discretion, to release the Official Members from collective responsibility.

MR. PRESIDENT:

Thank you.

Perhaps before we go on, I should explain that the Governor does not have that power alone to release the Official or the Elected Members of Executive Council from collective responsibility. I did say two days ago that I would attempt to compile a statement which has been done in draft setting this out. But very briefly, collective responsibility as imposed by the Constitution can only be lifted, first, if one or more Members of Executive Council so request in Council.

Second, if Executive Council so advises the Governor, and third, if the Governor accepts that advice. It is not a question of the Governor's discretion but I have prepared a fuller note on this and one copy of it is with the Third Elected Member for George Town as he indicated interest and I have indicated in my note covering that note to him that he is most welcome to copy it and discuss it with any other Member of the House he may wish. But I would wish it to be kept for the moment as between Members of the House until it is finalized. It does attempt to set out as well as I can, these issues.

Does any other Member wish to speak? The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN:

Mr. President, I had been hoping that Mr. Haig's four hours would have stretched for the next few minutes to the end of this long day and long week. However, the House time is important and I will therefore begin my debate on this important matter.

The motion that is before the House is to reject the Report of the Standing Orders Committee which sat on Motion No. 3/90 and which, by a proper democratic process under the Standing Orders of the House, rejected in Standing Orders Committee to change the Standing Orders. That, as we remember, came about because there was a tied vote in the Standing Orders Committee and the Chairman, as he is obligated to do by convention, cast his vote to preserve the status quo.

That is another democratic process because you need a majority to carry a matter and for centuries now when there is a tie in a democracy on a vote, then there is no majority and the Chairman casts his vote to preserve the situation as it is. That is the status quo, because there is no clear majority and that is a very basic and fundamental principle of democracy that you must have a majority

otherwise things remain as they always have been. That procedure in there, that vote, seems to have upset the Government obviously and now they are attempting to reject that democratic process and to destroy another of the democratic procedures which has got in their way.

Getting in their way is something that this Executive Council feels no one or nothing and no rule or no person should do, because as the Member for Education has clearly said, he believes that the Executive Council must have its say, the Government must have its way. A very strange statement, and one which has not been challenged or corrected by the other four Elected Members of Executive Council and therefore I attribute that statement to being one that the other three Elected Members, when I refer to them here, clearly adhere to and which forms the basis for the destructive approach that they are taking to the traditions of this House, to the customs of this Honourable House, to remove of anything that gets in their way and stops them.

Incidentally, in life we can never have our way all the time, in fact most of the time we cannot. I would like to develop that further as I go along because I feel that an attitude problem is one of the biggest problems that those four Elected Members face.

So the first step in this is that the procedure that was set up, accepted in fact, from what I understand drafted, or assisted in the drafting by one of the Executive Council Members ran its course democratically and because they did not get the results they wanted, they did not get their way, this move now is to destroy that process.

The motion that the Standing Orders Committee dealt with is the Motion No. 3/90 (which is a very long and what is obviously a well engineered and well orchestrated motion) aimed at achieving a further destructive process of the democratic sanctions or barriers that face the minority Elected Executive Council Members in this country. It has only three recitals in it before going on to the operative part of the resolution and the first one states that:

"WHEREAS the Standing Finance Committee of this honourable House presently sits in private so that the public are excluded from its proceedings;"

As has been said, but which I would like to deal with in some detail, that recital and the operative part of the new Standing Order 62(A) sub-order (2), makes the deliberations of the Finance Committee to be public. That was referred to by one of the Elected Executive Members as being 50 per cent of their motion. This recital is followed by a second which says:

"AND WHEREAS the said Committee (meaning the Finance 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;"

A statement of fact that, at a later stage, I will develop and show that nothing has changed there either that has not been dealt with in the past. Not given apparently as a reason, because it is merely a statement of fact, but later developed into a reason for the bringing of this motion and those two Members, as we have heard, are the Honourable Attorney General and the Honourable Administrative Secretary, who are the Second and Third Official Members in this Honourable House.

Those Portfolios and those Official Members, I should say, because the Portfolios have changed slightly from time to time, have been there for many, many years and when I deal with this in depth we will see this is the first time that we are now getting complaints from the Elected Members, not necessarily on behalf of the Official Members but because it suits them to argue this point at this time in support of this motion which is aimed at destroying a democratic sanction or barrier that has always existed and has always been accepted by the people of this country.

The third recital states:

"AND WHEREAS on two occasions including the present 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;"

I will deal in some depth with that because these anomalies, as they refer to, could have been corrected in a less drastic way if they had so desired some time ago of their own accord through a very simple process, but one which was looked at selfishly by the four Elected Members who deliberately chose not to correct the anomalies because, as I will show, they were not anomalies then and I will deal with what the real anomaly and the real problem is in due course.

Then we go on to deal with the operative part of the resolution which begins by deleting Standing Order 73 in its entirety.

That Standing Order was the Standing Order drafted, redrafted, we approved, as I will show in due course, as late as 1985 by all the Members of the present Government, that

stated that:

"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."

Then comes the two parts that are the problem to the present Elected Members of Executive Council and this reads:

"73(2) The Finance Committee shall consist of the Financial Secretary as Chairman and all the Elected Members."

It goes on then to say:

"73(3) The quorum of the Finance Committee shall be seven members including the Chairman."

MR. PRESIDENT:

Would it be convenient to hold there?

MR. TRUMAN M. BODDEN:

Fine Sir.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:
House until 10 o'clock Monday morning

Mr. President, I move the adjournment of this Honourable

MR. PRESIDENT:

The Question is that the House do stand adjourned until 10 o'clock Monday morning, would those in favour please say aye, those against no?

QUESTION PUT: AGREED

**AT 4:30 THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.
MONDAY, 25TH JUNE, 1990.**

**MONDAY
25TH JUNE, 1990
10:10 A.M.**

MR. PRESIDENT:

Prayers by the Honourable Third Official Member.

PRAYERS

HON. RICHARD W. GROUND:

Let us Pray.

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

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

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

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

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

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

GOVERNMENT BUSINESS

MR. PRESIDENT:

Proceedings of the House are resumed.

Item 2 on today's Order Paper Government Business, Motions.

Continuing the debate on the Amended Motion to reject the

Report of the Standing Select Committee on Standing Orders.

The Third Elected Member for George Town, continuing.

MOTIONS

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

MR. TRUMAN M. BODDEN:

Thank you, Mr. President.

The motion, No. 3/90, is one which deals with adding two Official Members, the Honourable Attorney General and the Honourable Administrative Secretary to Finance Committee, the giving of the Financial Secretary an original vote, the removal of the Financial Secretary as Chairman of the Finance Committee and replacing him with the Presiding Officer of this House, which at present is yourself. It also deals with making public debates in Finance Committee. It is on that point which the Member for Communication and Works has stated is 50 per cent of the resolution or one half of it that I would like to deal with very briefly now.

It is very clear that under the present Standing Orders of the Legislative Assembly, and I believe past Standing Orders as well, there is a reference in Standing Order No. 70, Sub-order 5, which says:

"Subject to any Order of the House or resolution of the Committee, the sittings of a Select Committee shall be held in private."

As we know, the Standing Orders of Select Committees are applied to the Standing Select Committees where there is no specific provision for those Standing Select Committees. So it is obvious that it would have been a very simple matter if Finance Committee wished to sit in the public, if Government wished to do so at an earlier stage, which we do not object to and we have agreed with that part of the motion, it would have been a very simple matter for them to pass a resolution of that Committee stating that Finance Committee Meetings shall be held in public. With that 50 per cent of the motion, and I will deal with that when we come to compromise, which has been moved around by some Members, we have agreed with half of the motion.

What I am saying here is it could have been achieved much

easier if a motion had just been put in Finance Committee to make its proceedings public. We are very happy to have this go public because it will give the public the opportunity, (provided that the Government agrees that this can be fully aired, at least parts of it, on radio), it will give them an opportunity of seeing the working of Finance Committee and how the public's money is spent, or authorised to be spent, by the Members.

It has been put forward as one of the three recitals I read last week while speaking. Even though this was not put in the motion, one of the objections to changing the constitution and adding the Official Members to Finance Committee was given as this.

However, that reason has not been put in a resolution. What I would say is this, if Government regards this as a valid reason then why did they not take this motion in two stages and have the part relating to the public implemented, which all Backbenchers agreed with? Then let the public hear the operation of Finance Committee, before they go on to change the Members of the Finance Committee, change its Chairman and add the two Official Members. Let the public decide whether we are being what the Government alleges, or whether the Government is being what the Government alleges we are, where they refer to matters in there as to misbehaviour, which they do not define.

If this was a problem then I would have said, any reasonable Government should have opened this up to the public first. Let the public become aware of what is going on, and let them see how Members act.

I should point out that any committee is by nature very informal, and there will be talk back and forth between Members on different points. The public need to appreciate that committee meetings are different from formal Meetings in this House, and will be different from the new procedure under new rules that are being brought in, whereby we will have a more formal type of committee as they are aware of when bills are being dealt with formally before this House.

In fact, it would be good for the public to hear what is going on in Finance Committee and to see what is being brought and which Members of Government are pushing what. Then they can draw their own conclusions as to whether some of the schemes and matters brought before Finance Committee are truly in the interests of the public, or rather perhaps they could have interests outside and beyond those of the public.

One of the aspects of this that I would like to deal with a bit later on is, that time and time again we have bent over backwards to assist the Government. One example was Friday on basically a few minutes notice, to me anyhow, we went in to a Finance Committee Meeting informally. We have always tried to do everything to ensure that things move smoothly.

This part about being open to the public, if the public remember there was reluctance, or perhaps I should say confusion on Government's part, when Select Committee was put open to the public and on the radio. When that came up, (I think it was the Member for Education), there was talk in relation to that. But it gave the public an idea of how this matter could be dealt with.

What I am saying here is that I believe that the intent of this full motion is a move by a power hungry Elected Executive Council to grasp the power by adding three extra votes to their four so that they can do as they feel with the people's money. By this, neutralising us, the Opposition and Backbenchers, as we have been referred to, who are the protectors of the public's finances and their interest.

If they genuinely felt about this matter of going public, then I would have said, lets go public, give it a test of a few months. Let the public hear what is going on. Let them decide whether the Backbenchers and the Government, who are being obstructive, and who are desperate to get through their expensive projects, let the public decide whether the second step should have come about.

As I have said, this could have been done very easily without any debate of this sort, without having to bring the public into it. Even though we have given (on 50 per cent of the motion), they do not want to give on anything. On the compromise and negotiation at a later stage I will deal with that in depth.

To go on to another area. I have had many, many calls, I have had people sit and talk with me, I have met with them. The question that always comes up and the statement which is always made is that they do not understand why Executive Council is taking this drastic step. That question is always there, why? People in this country are against it in general. All the calls I have received, stretch through the full cross-section of society and we have seen by the letters in the press, which I will deal with in detail later, the public is against this move.

There is no way that Members of the Government in their wildest dreams can believe that they have a majority of the public with them on this matter. In fact, there has been only one lame approach in the newspaper to attempt to endorse it or to endorse the position of the Members.

Going on to another subject under this heading, it is abundantly clear (and there are still two Members to speak), the Member for Health and the Member for Education will wind up; I challenge them to show me anywhere in the previous Standing Orders or Constitution of the Cayman Islands that they have found Official Members on the Finance Committee.

The Standing Orders of 1959, which was the old Constitution, had Elected Members, it had nominated Members but never Official Members. I think that in the modern Commonwealth at least where we have some history to look back on, there is no where that the Official Members, that is the Honourable First, Second and Third Official Members have sat on Finance Committee.

What is interesting is that the Member for Education and in fact, the Member for Tourism, did work under the 1976 Standing Orders which, in fact, the Government of that day (which the Member for Education was a Member) adopted. He also worked under the 1959 Standing Orders and there were no Official Members on Finance Committee.

Most important in 1985, the then Government and

Backbenchers, which includes the four Elected Members of Executive Council, brought in the 1985 Standing Orders and it has only Elected Members on Finance Committee.

The Standing Orders had been worked under the Constitution for at least 30 to 31 years that we know about and from the statement of Mr. Nolan Foster in Cayman Brac, at a public meeting we had, I believe he may have been in at the time of the Vestry, he also stated that no Government or Official Members sat on Finance Committee.

The Member for Education, I think has confused the public with the difference between an Official Member and a nominated Member. I want here to just mention (because I want to deal with this in detail later on), that the difference is simply this; the Official Member is a civil servant who owes his duty to the Governor under the Constitution and rules of the country. The nominated Members, (who only existed under the 1959 Constitution since 1972, or for the past 18 years there have been no nominated Members in the House), were people taken from the private sector such as Cousin Annie Bodden and ultimately most of them became politicians. They were people directly taken who could represent a wide cross-section of the community and were, in effect, very similar to the Elected Members.

It is not an accident that Finance Committee does not have the Official Members or the civil servants on Finance Committee because this is one of the checks and balances that a democracy provides, that there should be no expenditure without accountability to the public of the public's funds.

The duty of Elected Members is that they have to account directly to the public, even if it is only once in four years, at the poles, at the elections, whereas the Official Members never have to run for elections. In fact, as I will show, it is an important principle in our democracy that civil servants be taken as far away from politics and political decisions as is possible.

Therefore, they are in a totally different position from the Elected Members of this Honourable House. Any attempt to talk about nominated Members being similar to Official Members is, in my view, the difference between chalk and cheese.

In any event, since 1972, there have been no nominated Members and those early nominated Members differed from the Official Members in that, the Official Members are civil servants and non-political, whereas, the nominated Members were normally people of strong standing with the electorate, similar to Elected Members and most of them, as I said, went on to be Elected Members of the House.

So it is no accident that Official Members have been left off of Finance Committee and under the Standing Orders of the Legislature, for the past 31 years, Official Members have never been on Finance Committee. I do believe that even prior to that under the Vestry, that the 30 plus Members in those days of the House, when they dealt with finances, they did it only as the Elected Members or maybe nominated Members with them but never with the Civil Servant Official Members of the Legislature.

A few months ago, Mr. Franklin Smith, then a Member of this House and speaking in it, said that the motion which the Member for Health had brought to circumvent Finance Committee for funds for the hospital, which we all had agreed with was, "just the beginning of things to come". How right Mr. Franklin Smith was because, in the Government's attempt to get the power to do as they wish with public funds, they have destroyed every barrier, democratic and otherwise, which got in their way. I believe that this trend will continue until something is done to bring sanity back to the position that we have at this time.

One of the things that Members of the Government have done is to state that the public do not understand Government's Motion. In my opinion, the most serious statement you can make as a politician, much less an Elected Member, is to say that the public does not understand what is going on, when the public is against you on a matter. It is an insult to the public (or to put it another way), a slap in their face, because the public clearly understand the issue on this motion is one that they are against. They voice this through the press, through placards, they voice it orally to Members of Government and I take this as an example of the extremes to which the Government will go to have their way.

I believe that we have an aware public. They understand that the broad principle of this is that the four Elected Executive Council Members that they have put there themselves, wish to have the right, against the wishes of seven other Elected Members, or eight at times, of the Backbenchers, to spend the public's money by adding on the three Official Members of this House and removing the Chairman of Finance Committee. This is not a difficult broad principle to understand but, it is the public's money we are talking about and if ever the public has a right to have their say on a matter, it is with this motion.

When the press got in their way and made a statement in an editorial, I think it was the 1st June, 1990, on page 4, they clearly were against the motion and the changing of the Finance Committee. Once again, you have had a series of attacks on the press. In that editorial they said in part, that the motion being brought is one which is clearly not approved by them or the public and that they disagree with the Government.

We have had other letters, one from the Chamber of Commerce against changing Finance Committee and against this motion. We have had the Young Caymanian Businessmen's Association against this motion. We have had the Caymanian Bar Association, which I think the Member for Education referred to some of these letters as nonsense and that the Bar Association was misguided.

Even this morning we had the Civic Awareness Committee say this motion is bad for the country. I really do not understand what more the Government need to convince them that this motion is bad and it should be withdrawn because it is putting this country in an upheaval that is going to destroy the Cayman Islands if something is not done to stop this power hungry move.

Reference was made to the Bar Association's mention of Section 43 of the Constitution. In it the Association drew a reference between the part of the constitution that dealt with committees, which are established by the Governor, under which by analogy could be applied to this situation because a proviso to that Section 43 of the Constitution states that the Governor shall have regard to the wishes of

the Elected Members only. I will develop that point at a later stage but what was stated there is, in my view, a clear and fair opinion.

What worries me is that when you get such a large cross-section of the public and different representative Associations who represent basically the majority of businesses here, being attacked (and they have been attacked), I think that word is strong but it is correct, then it goes to show the determination that the Government has to force this motion through and to get its way with the people's money.

The Member for Communication keeps referring to the little quote of "fooling some of the people some of the time but you can't fool all of the people all of the time", or words to that effect. This is one time that he should apply that maxim, that saying, to himself and to his Government because the public, by an overwhelming majority, have said that they do not want it. They say we understand despite the fact that the Government think they are fooled and they do not understand the motion. They do understand it and they are taking their stand publicly on this.

I would just like to read a very short quotation which is coming from Wade and Phillips on Constitutional Law under consultation of interests affected, page 54. I will submit this to the Clerk, it says:

"The immense complexity of the business of Government" (this is referring to the UK Government).

"makes it necessary that, while preserving its supremacy, Parliament should exercise it only after the major interests affected have been consulted. The modern state regulates a whole life of the community. The initiation of legislation is a function of the Executive but prior consultation of major interests affected is an essential part of the legislative process."

So first, rather than talking about the people not understanding, I think there is an overriding duty that the Executive Council Elected Members, (because it is not the duty of the Official Members), should have gone back to the public.

Secondly, when the public disagrees, they should accept that as good advice from the public. They should follow the wishes of their people. I will expand on that at a later stage.

So we see firstly, the Backbenchers being attacked because they oppose 50 per cent of the motion, (I keep referring to that 50 per cent of the motion). Then we see the press attacked because they say something that the Elected Members of Government do not like. Then we see the different associations such as the Chamber of Commerce, Bar Association and Businessmen's Association being attacked because they oppose the Executive Council on this motion.

It is now a common trend of this Government I submit, to destroy anything (whether it relates to democracy or otherwise), that gets in their way. To quote the Member for Education, they believe that the Executive Council must have its way. I say that they go further than that, they believe it must have its way at any cost, even a cost which may destroy this country.

From there, I would like to move on to deal with the question of the quorum. In the present Standing Orders in 13 (1), it states:

"13 (1) The quorum of the House and of a Committee of the Whole House [which is what this motion is creating] shall consist of seven Members in addition to the person presiding."

Whereas in Section 73, sub-order (3) says: "The quorum in Finance Committee [which they have abolished and have done away with this motion] shall be seven members including the Chairman."

Six plus the Chairman in Finance Committee, they are changing it to seven plus the Chairman which is about what it comes back to.

What is most important in this, is that by adding the three Official Members, they now have a quorum in Finance Committee, whereas before that, the four Elected Members did not have a quorum in Finance Committee. So, Mr. Nolan Foster and other Members who mentioned this are, right.

That part of the procedure is being changed and what we now have is in effect, the Government stacking the votes so that if the day ever comes that they need to move on with the Finance Committee without the balance of the Members, if they have the three Official Members and yourself Presiding, then they basically move on. So let us not say that procedure is not being changed.

I only have a limited time on this but, I would like to show other areas of procedure that are also being changed but this one is I think important because while it increases the quorum, it enables Executive Council to have a quorum (in these circumstances), when prior to this it did not have

a quorum in Finance Committee.

The answer to that is, if the Government wish to sit down and do Finance Committee at short notice with themselves alone, then they would be empowered under this to do so. At present they could not do so even with a fifth Elected Member's vote.

While also on this subject, because it relates to what I heard in Cayman Brac when I was there for a meeting, one of the only two reasons given for this part of the motion, is so that the Member responsible for Cayman Brac and Little Cayman will have a right to sit in Finance Committee and deal with his Portfolio.

Let me say this at the beginning, I have the highest respect for the Official Members but the Official Member's place under our type of democracy in Government, is one which is separate and distinct from what is now being attempted, 'to be put into, under this motion'.

I believe that the Administrative Secretary, who is the Head of the Portfolio and the Third Official Member, does everything he can for his Portfolio generally, but also for Cayman Brac and Little Cayman. There is nothing wrong with that Member under our present system if he wishes to urge something he could come into the meeting and do so. It is not the matter of having him represented in the meeting that is bothering Executive Council, they want his vote, that is the crux of this whole motion.

They are really not all that worried about what he has to say in there, because they know that he was given an extra million dollars more by the Backbenchers than he got from the Government, so he was well taken care of. There has never been an application for a Member, or even a Head of Department who wished to come before Finance Committee, to come in and say whatever they wish and we would listen to them. That is not a problem. It is not his representation to the Finance Committee that is important to the four Elected Members. It is his vote in their move to take four votes and turn it into a majority out of the 12 Elected Members.

What is important on this (and the public need to be aware of in the districts), is that if they had got the budget put up by the Government in December last year, they would have had little in the line of funds. The money that was increased there was increased as a result of the Backbenchers' five days of negotiations with the Government, which I will deal with later on.

So the people who are going to suffer by this motion (if you take the Government's history on this), are going to be in the districts with roads, street lights, launching ramps, this sort of thing, because this Government, despite what may be said, is not worried about the little man or the people in the districts.

In their move, as I will show later on, to get through the large projects they are going to cut the little ones. In fact as far as I can remember, nothing was cut on the Official Members' Budget (at least not of any consequence), during the negotiations. In fact, like I said, the Member they worried about got an extra million dollars for Cayman Brac and Little Cayman.

While dealing with this the Government has said I believe in here, but I definitely know publicly, they have stated how much money Government now has in the Reserves as the accumulated profit of some \$30+ million dollars. They are using this to say how responsible they are.

The hard facts of this is that if we had let them spend at the rate they had intended to spend in the Budget that they put forward, there would not be, to use Mr. Franklin Smith's phrase, "one red cent left". So the money that is sitting in this Government's Treasury the public can thank the Backbenchers for.

In fact, the fight that is going on now by Government is to get its hands on that money to spend. This is what it is all about. We are the protectors of the public's money. We are the protectors of the public as Backbenchers and our duty is to ensure that there is not overspending in the country. As a Government we must be able to afford what we do, and when we find, especially as on these five projects that were slowed down, that not only did the Member in charge not know how much he needed but there were no details as to how it was going to be paid back; whether the public would be taxed, whether the country could afford the large borrowing of hundreds of millions on one of these projects by the time it was finalised; where the money was going to come from and it is irresponsible on our part to give out blank cheques to the Government.

So the money that is in there, the Member for Education went on about the position in 1984, all I am going to say about that is, we left I think about \$12 million dollars in debt, we left about \$10 million dollars in cash. I am not going into it any further. I am going to deal with the future and try and keep away from wasting time raking up history and the bitterness of the past.

What I would lastly say to the Members on this is, if you think it is not right that that money is in the Treasury because of us, you let this motion pass. I can assure you that by the end of the year you are going to see projects under way, some of which we know about over the past, some of which have just surfaced, which I will deal with in some detail. They are going to take that money and spend it and for another decade our children are going to pay it back.

I would like to deal with something analogous to this; the effects that this motion will have if it is passed. What does Government have in the pipeline why they need to change the Finance Committee into something it never has been and was never meant to be?

The reasoning and the desperate move by the Government is to be able to implement the projects that were stopped or slowed down, to go on a spending spree which we so far have been able to stop them doing. The split-site hospital of some \$20+ million dollars which the Member put up, we said go back and come up with something which is more reasonable and we can afford. Here I would like to say that the Government can only borrow a limited amount of money before it gets to a stage where we are in danger of losing everything.

We had no problem approving the \$1.5 million for the 10 or so

projects at the hospital. We said no to what would be the beginning of a \$2.4 million draw for consultants to International Healthcare Cooperation. Part of the \$1.5 million, out of that went to the consultant, but that was reasonable.

We also said on the Master Ground Transportation Plan, which has to be in excess of \$100 to \$150 million dollars in total, to buy all that land, build a road because remember large areas of it are 120 feet wide, we said to the Member, bring back something that is reasonable, let us look at it in accordance with what we can afford.

Other things that have surfaced, and the Member was saying that someone, (I do not know who had been misleading the public about this motion) would take land in Rock Hole. Let me say this, the Member knows if this motion is passed (I have no doubt that he is going to bring back his system of roads), he might not call it the Master Ground Transportation Plan but it is going to come back. If they go through Rock Hole then the people are going to lose their land, that is a hard fact of life. While I do not know who referred to this, it is a fact that the Member is going to push to have a system of roads put in place and I feel that it is probably going to follow the MGTP. Therefore, the people in Rock Hole may well have problems with their land and their houses.

What seems to have surfaced more recently is once again the Port Authority looking at expansion which I would assume is this very expensive dock that we have been hearing about in the past, you remember what that was - about \$20 million plus.

We know that there is going to be a lot of dollars for an extremely large Administration Building and a post office of which \$2 million dollars have been approved, but that is only a drop in the bucket. Where is the country going to get the money to implement this when the Government has its way? Because the Member for Education, when he made that statement that the Government must have its way, I believe that he spoke for those four Elected Members. I should say that if I refer to Members of Executive Council, I am only referring to the Elected Members, even though I occasionally may use the more general phrase.

The problem that we have is that the country now has borrowings of \$25 to \$28 million dollars, which is considerably more within the last year and a half and it takes, I believe somewhere between five per cent of the local revenue annually to service this. Some of these loans (we are not repaying principal on it at this stage), it is mainly interest that is being repaid.

So from what I can see and subject to whatever the Honourable Financial Secretary may calculate, we will be up to the 10 per cent of annual revenue to service the debt if we borrow between another \$25 to \$35 million. That is the ball park area of where this country can go until it has borrowed up to the hilt. The only other area is to tax the people and you can only put so much tax on.

Therefore, a phased approach has to be taken to the projects that the Backbenchers have refused or slowed down. When we go beyond the 10 per cent, (I know some countries have lifted that a bit higher), with our heavy debt that will be coming for repayment of principal in the future, having regard to the fact that we have a large amount of revenue to be paid to the Civil Service because we do have a very high proportion of salaries and benefits, then I cannot see how the projects that they put forward can be done by this country. If we go beyond the 10 per cent of our annual revenue, I believe we will get into the same position as Trinidad, Guyana and Jamaica have got in.

What is very interesting is in a Jamaican newspaper, The Daily Gleaner, there is a headline on the front page "Government Seeks International Monetary Funds Waiver", and a very worried and distraught face of the man whose responsibility it is to deal with that, because Jamaica has failed the IMF test and they will now dictate to them what they should do to come in line. This is because they have had politicians in those countries on spending sprees which the Nation, will never, ever in the foreseeable future get out of. This is back to punishment and to a larger extent slavery for the people of that country because the policies of the International Monetary Fund or the World Bank, are going to be forced upon those people.

They have every right, do not get me wrong, to set the guidelines for the money they give but the lesson we learn from this is that once the country gets too far in debt, the way out is nearly impossible and the people must suffer. There is no short cut to this, except in my view a strong Backbench which, when Finance Committee has something from Government that the country cannot afford, they say go back and come back with something that is sensible and reasonable and that the country can afford.

Let me say this, I do not intend to cut what I have to say in this respect. If this country goes on a spending spree over the next two years, we will be followed by a recession of, in my view, four to seven years. Who really is going to benefit from this very heavy spending?

The country will go into boom for a short period. We will have masses of work permits issued for all the new jobs that these projects will provide. The economy is going to be overheated. We will find a limited number of people will benefit by these large contracts and it is no secret that some of these large contracts recently have gone to Hurlston Construction Company. Large amounts have gone to, and been slated for consultants such as IHC.

My question is, why does the Government want to go on this spending spree which is going to benefit only a few in the short term? It is going to put a lot of suffering on the masses in the long run.

I cannot understand the desperation of the Government in this matter, when it would be a simple effort to come back to an open Finance Committee in public, justify the projects that have either been slowed down or refused by us (of which there are only five), and let the public know what has gone on, such as the contracts that have not properly passed through the Central Tenders Committee. Let us put it all out in the public. Let us take that stage first, let the public look at it and in four to six months if the public feel this is not working, let us look at the other stage.

The United Kingdom Government itself should also be very

cautious because the day a colony gets into financial difficulties, the United Kingdom has to pick up the bill in the end as they have recently done in one colony. I believe that good Government and good economy is one which the United Kingdom Government also wish to see. I am proud that we have not been grant-aided in many years but it takes very little to put a country back to that stage.

I believe that a system that has worked for in excess of 31 years (and has never, as I know it been challenged), should be left in place. For 31 years our present First Official Member and prior to that, the then Honourable Vassel Johnson, sat as the Chairman of Finance Committee. They had responsibility for finance even though, in the early days, I think Mr. Johnson was referred to as the Treasurer. They too have been very instrumental in seeing that the finances of this country remain strong and stable.

The present First Official Member has never (and it has never been alleged by the Government or otherwise), done anything wrong throughout the period in Finance Committee. I do not understand why the four Elected Executive Council Members are attempting to sacrifice him and the system in their greed to reach the public's money.

We have a position where the Financial Secretary sits with Finance Committee, he steers the ship with only a tie-breaking or a casting vote. Not very long ago, when the Government schemed to put forward this motion, there was a tie in Finance Committee.

It is important that the public understand how this came about, because as I remember it, Finance Committee was called at very short notice. I think I got notice that day and as usual we tried to accommodate the Government. We went into Finance Committee (but at the time Mr. Franklin Smith had resigned and was no longer with us and one of our Backbenchers was in Bermuda on CPA or official business), it left us two short and I believe that could have been a reason in the back of the mind of the Member for Health who had matters before it which have now been public, so I can mention these.

Despite that short notice, we went in there, sat and tried to deal with this matter. When the tie came of five - five, the Financial Secretary quite correctly, as you, Sir, as the Presiding Officer yourself has had to do in the past, broke the tie by preserving the status quo or leaving things as they are.

The reason for that tie breaking vote is very simply this. In a democracy you must have a majority, if you do not have a majority, things must be left the way they are. I suggest that that tie-breaking vote was another obstacle in the way of the Government in their quest and their move to get their hands on the funds and money of the public. Therefore, they must now also remove the last shred of anything that could create a problem to them.

We find that after that there was criticism of the Official Member who is responsible for Finance. I will read after the break, what one of the Members had to say, I think it sums up the position and feeling of Executive Council at the time.

MR. PRESIDENT:

Proceedings are suspended for fifteen minutes.

AT 11:25 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:55 A.M.

MR. PRESIDENT:

Proceedings are resumed.
The Third Elected Member for George Town, continuing.

MR. TRUMAN M. BODDEN:

Mr. President, when you are the Chairman of a committee or a company, or a bank, you are in a more exalted and better position than when you are a member of a committee of that company or bank, you are one of one. Here the Honourable First Official Member will be one of fifteen. To put it another way, there has to be a demotion when you move a Captain down to a mate and that seems to be the position of the First Official Member, the Financial Secretary in this matter. His stature is important to the stability and the financial sector of this country.

What worries me is that in this move to basically sacrifice his position (for the purposes of the extra vote that Government will get), they have lost sight of this important aspect. I would call on them to rethink, withdraw the motion really, but to say within themselves, look, we have a gentleman who has served well, as has his predecessor, why take and demote him and cause this further deterioration in the country's stability?

It has been said that with the checks and balances, the Auditor General is the answer. For many years in the early days the External Auditor General was in fact, someone who came in occasionally from abroad. It is something that is done after the fact. After the money is spent, the damage is done. What this is all about is, that the Government is trying to get their hands on the country's money to spend and afterwards, even if the Auditor General says, for example, that contracts have not been given out fairly or have not been put out to tender, that is all history because what is done is done. Once the Government is legally bound by contracts there is nothing that can be done about that.

I would say the Chairmanship of Finance Committee must remain with our very able and qualified Financial Secretary. I would say that it is wrong when you sacrifice someone who has done nothing wrong and that it is once again a destruction by Executive Council of another barrier that may be placed between them and the country's money. It is the move to have their way.

Now I will deal with how Government, as I understand it, should work, to look at the complications and the dilemma that the Government Elected Members now face. To be a

Member of Executive Council, or of the Cabinet in a country, you have to first have the support of a majority of Members in the Legislative Assembly. This means that to make a Government under our Constitution, (because it is only the Elected Members who vote in this important matter), there must be at least seven of the 12 Backbenchers of one mind to vote the four Members to Executive Council. As has been pointed out, the Elected Members put the four Executive Council Members into Executive Council and they who have the ability to undo what they have done if necessary, and remove them.

So it is not the public, as several Members have stated, that the public have put them in Executive Council, and there they will remain until the public takes them out. That is not fully correct because they are put in there by the Elected Members of the Legislative Assembly and there they remain until the House is either dissolved or until eight Members of the Legislature make a move to undo what they have done. What has to be in the beginning also has to be throughout the life of a Government. That is, they must have at least seven Elected Members of the Legislature with them to effectively govern.

Here I would like to read briefly from page 123 of Wade Phillips (and this refers to the English Cabinet but we do have collective responsibility here):

"It has been shown in discussing the transition to Cabinet Government, that it is Parliament that makes and unmakes the Executive in order to retain office and to secure the passage of legislation, and the grant of supplies a Government must command support in the House of Commons."

It is important there they refer to the grant of supplies which is Finance Committee authorising expenditure.

To find themselves in the dilemma that the four Members of Executive Council now find themselves; having only an occasional single vote on the Backbench, is to a large extent their own making. All that has been said about the operation of Government and its problems in getting a few of its major policies or laws passed, is one which is not uncommon to the Cayman Islands but has arisen many times in other countries including the United Kingdom. What is most important is that there has to be communication, not only between the four Elected Executive Council Members but between those Members and the Backbench. Even more so when they had three Members sitting on the Backbench who supported them.

I really believe that the attitude of Executive Council Members, especially things like statements that, "they must have their way", in the face of not having a clear majority at times in this Legislature nor in Finance Committee, seems to me to be a confusion that they are complicating as a result of this motion.

It is a hard fact of life, no one can expect to always get their way. We all have to answer to somebody, finally to the good Lord, but on earth if we take the attitude that we expect to get our way regardless, we run into a lot of problems. I believe that the attitude of expecting to have their way, is the one which has brought this Government to the sad state that it is now in.

Obviously, there has not been communication between the four Executive Council Members at times. That was made clear, for example when the Member for Health made a statement that "the Post Office Box fees would remain", and the Member for Communications and Works, in his smooth way while giving an excuse said, "yes, something will be done at the end of the year".

Another clear one was on the motion for Youth that just recently failed to pass, where the Member for Communications said he felt it was good, and on the other hand there was the usual attack by the Member for Health. Not only do they need to get together between themselves, but they need to get together with the Backbenchers.

We knew nothing of this motion until late on the afternoon of the By-election on the 30th of May, when it came on the air. There was nothing wrong with one of them picking up the phone or we do see each other on Committees normally at least once or twice a week, to say we have a motion coming up, can we discuss it?

Unless there can be communication, there can never be an effective Government under our system. I have worked for eight years in the past, 1976-1984, as a Member of Government, as a Member of Executive Council. The cardinal rule for a Member of Executive Council is communicate. You must stay in touch with your Backbenchers because no Government carries a majority in this House. We scheduled regular meetings throughout the eight years with our Backbenchers and anything major we scheduled with all Backbenchers.

One thing that can never be said about Mr. Jim Bodden was that he did not try to communicate, to sit down with people, to reason things out and that is the way it has to be done. There are times when we had a very large majority in this House, I think at one stage 11 of the Elected Members. Other times we were down to the seven Elected Members but never in the history of this country have I ever known that the Government cannot rely on one Backbencher all of the time or most of the time for their major issues.

So when you need someone, you must humble yourself enough to sit down with them and try to rationalise where the country is going. Try to rationalise moves such as this before they get into such a complicated stage. In the early stages it is very simple to solve a problem but once you get Politicians going public and making statements, it becomes a complex and nearly impossible situation many times.

I do not mind saying there were times we, as a Government between 1976 and 1984, went to our Backbenchers with issues and they said no. The public do not want it, we are

not going to support you. We had enough sense not to put them forward, or to vary them, or to say to our Backbenchers - what do you feel will work? What do you feel the public want? This is what has to happen in this Legislature if the Cayman Islands are to remain stable and progress and as I will show, we have always been ready to sit and talk.

We went into a meeting on Friday at, to me, a few minutes notice, but I was speaking at the time. We do not mind doing that, but there has to be some communication. As I go on to deal with negotiation, there has to be an understanding that the Government cannot always get its way. That attitude is what is destroying this country and it will destroy an individual, if he takes that approach. There has got to be the give and take if we are to move forward.

The other aspect of it is that teamwork seems to be badly lacking in the Government. I believe we have, and I say this seriously, we have four men who appear to be leaders in their own right of their own Portfolios. That creates problems because I have seen in this House that their individual projects are pushed by the Member who is responsible for it, regardless it appears to me, of what the other Members think. What they need to do is sit down and say, we have five projects. We have got a hospital of maybe \$20 or \$30 million, we have roads that may cost 'X' amount of dollars, we need a post office and some more Administrative building space. We have \$20 million boys, how are we going to share it up? Then come forward with reasonable amounts of projects for the period.

If we can only borrow \$30 million we cannot have a \$30 million hospital and have \$30 million worth of roads and \$20 million worth of post office and Administration buildings. The priorities have to be worked out. They need to be worked out before they become public and to the floor of this House, especially, and that is where the Governments problems and failings are.

Whatever may be said about the Backbenchers (and I know we come from a diverse background politically), many of us have fought each other fairly hard at times but we have enough sense to communicate between ourselves and this is what politics and the good of the country is all about. I believe that we can always learn something from listening to anyone and a good listener is one who ultimately makes the right decisions.

You do not have to follow everything that you get, as the Member for Health seemed to have confused with the clippings on the Dutch and their legalisation of drugs from the Chamber of Commerce. But, there is nothing wrong with looking at it or reading it and then filing it away.

I believe that if the Government would try to tell us what is going on at an earlier stage, rather than producing policies of Government in the press, on the air, in the newspaper or publicly stating them, when they have cause to know that they are going to be resisted by the Backbenchers, then I believe that we will see the democracy of Cayman working the way it should.

Before that happens, Government, I think, has to alter its attitude that, "it must have its way". That is impossible in this life, I am afraid. The bitter result is defeat at times, if you push it to the extreme.

There is nothing that can be done to make a good Government of a Government which does not have a clear majority in the Legislative Assembly. That has to be more than one. To effectively run this country a Government must be able to rely for its major policies on at least three Backbenchers on this side of the House.

I am not saying because (even though the seven of us Backbenchers have stayed together through a very long period, much longer than the Government had seven), we do not always agree on things but we compromise, and this is what life is all about. If there can be some rule for compromise and we have just given on a half of this motion, we have agreed on it, we have said to them, we compromise on one half of it, they have taken the attitude we stand firm.

I want to expand on that because that is what is causing the problem at present with the public. Despite spending a bit of time on this, I think it is important that we understand, and the public understand that good Government has to come from the popular acceptance by the majority of the public and of Members of this Legislature who represent them of major policies.

In summary, there must be communication. If we can know before and sit down and try to work this out, it is much simpler than having this House spend week after week and the public having to listen to this long debate on an issue which should not have been before this Honourable House if the public's concern had been followed.

Touching on a short topic, it has been said that because taxes or import duties, that sort of thing, stamp duty, have to be put on by the full House. Therefore, the full House should have a right to spend the money. There is a difference, a very clear difference, between spending the public's money and accumulating it. Let us not kid ourselves.

If the Members of Executive Council cannot spend the Government's money, they are not going to put on taxes. They are not stupid enough to go to the public and take licks to put taxes on and then they cannot spend the money because the public have to understand that the motivation behind this motion by the Elected Members of Government is to have their way to spend the money.

That is, as the Member for Education said, "to the victors go the spoils", and they believe that they must have their way to spend the spoils after their victory in November of 1988. Things have changed since then and the victors are no longer a majority of the Elected Members, in fact, they are not even a good minority when you take four out of 11 and many times four out of twelve.

So while it may well be that the Government can save or accumulate money, it may get away with taxing. Historically, throughout the modern Commonwealth, at least in countries that are recognisable to us in the Caribbean, the expenditure of the public's money has always rested with the Elected Representatives in the Legislative Assembly who account to the people. Nowhere has it ever been

that the Official or civil servant Members in this Honourable House have sat on Finance Committee for that expenditure of the public's funds.

I have had many years in politics and this is the first in a long time that we had Members here getting up, talking about threats. I normally have kept away from this but since it has been put in issue, I think that the public should know that it is not only Government Elected Members who have had these problems. I have lived with them throughout the years.

One week ago, I had the car that I drive badly scored up, the paint cut up. Not a truck as with the Member for Communications, which was at an office place and isolated, this is my personal car. I have had a very frightening example where I have had (it was somewhere just after the 1988 Elections and this was reported to the Police), the lugs loosened on my wife's Jeep and the tire of the third car flattened, one opposite the other and she, on driving my then three year old daughter to school (good thing she was going slow in the traffic that morning), when she got to the school it had just about cut the lugs totally off. If she had been going any speed, it could well have killed my wife and my child. They tried to force the windows in that same incident. I have had my father's car tires slashed in front of his place and Thursday and Friday a load of crank calls came in, again to my wife. I have recorded them and given them to the Police, where I have a man, two people came on, the man came on and made threats, threatening to murder me, my wife and my family and got caught onto the answer phone when he realised he was on it came off but do not get me wrong, the Police have done everything they can to deal with this.

What I would like to make abundantly clear to the public is I have lived with this throughout the years. In fact, another frightening example in the 1984 Election, I had people come to my political meeting one night just before the Elections and shut me down. Some of those, speaking generally, I know came from another political meeting. It worries me too, but I do not want the public to believe that just because there have now been one or two threats, or whatever, to some Members of the Government that it does not happen to us either. I am afraid that it is one of the problems of being a politician and I dismiss most of them but I naturally take some things seriously.

Speaking generally, I have no cartel bouncers to take and protect me. Despite all of this happening, I went down to the Batabano and I walked among my people because I am a Caymanian and I am not going to be frightened or threatened or anything else to a stage where I am not free within this society. My forefathers going back three generations were born and died here and my three children were born here. Quite frankly, I am going nowhere, so whoever is going to try to destroy this country must fight me.

It is not very nice, perhaps, to go on with that and my only reason for it is (it is over a period of time), has been to show that it is one of the problems of being a politician. I do not believe that anyone in this House, or any other politician, hopefully, would ever put people up to that type of thing. Many times it is motivated external from this and it gets bad just before Elections and just after.

What is our duty as Elected Members to the Electorate of our Constituencies and of these Islands? I believe that we are representatives of our people and that it is our duty to carry out the wishes of a majority of our people. That is basic. To democracy, it is a fundamental principle. We are not a delegate, as some may think, to our people who have an inherent right to have our say or do as we wish against the wishes of our people. If we do, the sanction for that is very obvious at the polls and through an alert and sensible public who understand what is going on and who will have their say through the press or in public meetings or with placards or whatever.

I also believe that we must be sensible enough as Professor Wade put it, to keep our ear to the ground to detect the rumblings of the Electorate. You cannot go against the wishes of the people for a very long period of time and still remain their representatives. Sometimes we perceive quite genuinely and in good faith, we may do something or put forward a matter and we find out the public do not want it. We all make our mistakes, that is basic to all of us. But the difference is acknowledging when we have made the mistake and correcting it as early as we can before too much damage has been done.

I further believe that when there is a conflict between what one feels is the right thing and what the people feel is the right thing, then I believe that the duty is for us to resign unless we can carry out the wishes of our people. It is inherent in the democracy we live in. Not only is it a tradition in other countries and I am going to deal with our specific constitutional position.

For example, if an Elected Member of Executive Council cannot support a matter under collective responsibility, then conventionally and traditionally they have a duty to resign. That duty goes much further when you are an Elected Member and you have a clear mandate from your people that you should not proceed on a specific course.

You really come to a stage where you have to decide, are you a representative of the people, or are you a representative of yourself? I know that sometimes the borderline between it is not always very clear, but as a representative of the people your duty is to represent, you are not a delegate to do as you feel you should, against their wishes.

It may be said it is very difficult to find out what the people want at times. That is true, but when you get literally every letter that has gone into the press, when you get people in public meetings throughout supporting or going against the matter, you have no doubt what the people wish. On this specific motion, in my view, the people have spoken very clearly. It is a major change, it is taking away the people's right because their defenders are going to be put in a position where the Government will have its way regardless. It is oppressive I admit, to a majority of the people of this country, to add the three Official Members to Finance Committee and give the four Elected Members votes, an extra three votes or a doubling of their votes with a stroke of the pen.

What is interesting is that similar situations have occurred here in the past on matters which dealt with constitutional change. Lord Oxford and Asquith clearly set two of these out,

which I will read at a later stage, which showed that where there was not a clear mandate from the people, major issues should not be passed through this House unless there had been the proper exposure and there was a satisfaction that the public were fully with this and in favour of the motion.

Similar to this is, what is country and what is self? Because this has been stated by several Members, both on the Government side and on the Backbench side of this House. It is once again time for Members of this House to do a soul searching exercise and to decide what is country and what is self. I admit that in this case this motion is going to hurt this country. The people do not want it and to move it through has to be in the interest of self because it is not in the interest of country if you take one as being the opposite of the other.

This is a democracy and as I see it, for the Cayman Islands to continue, it must continue in what has built it in the past to get the stability, and that is, that it must remain a true democracy and that the Elected Representatives of the people should have their specific responsibilities left as they always have been, over the past few hundred years but at least in the past 31 years.

To me, I have to live with myself, but I also have to live with my people. I hope the day never comes that I confuse myself with my people and their views and ultimately have to spend the balance of my days worrying about a mistake that could have been so easily corrected at an early stage.

If this Legislature is really going to do something in the interest of country, then I submit (and at a later stage I would develop on this), that let us then find out what the public want, what the country want. That could have been done simply if the referendum Motion that was defeated here about a year ago now had been used in this instance. This matter has been used sparingly in the United Kingdom and the Commonwealth but if we want to know what the country want; I believe if there is any confusion, we ask them. If one feels one is right then one has no worry about facing one's people.

So on this, I would say that our duty to the Electorate is clearly to represent and carry out their wishes. If we have a conflict and we are not prepared to represent their wishes and we are going to put forward our own view against the wishes of our people, I believe there is an inherent duty to resign and let the people's wishes be carried out. That is a decision for each Member personally to search their souls to decide what is country and what is self; who benefits in the end, is it the public or is it merely Government having its way? Which I submit, not only have they stated that but that is what this whole Motion is all about that they will have their say regardless of what the people want.

I would like to go on to a heading which is complex. I will have to ask Members to bear with me as I will be referring to some authorities on the subject. It is with matters that are implied under the Constitution under our frame of Government, what things gentlemen normally follow in certain circumstances, the traditions and the conventions of Parliament.

MR. PRESIDENT:
to be a...?

Would you like to resume with that after the break as it appears

MR. TRUMAN M. BODDEN:

I am sorry, sure, I am sorry, yes, Sir, that would be good.

MR. PRESIDENT:

Proceedings are suspended until 2:15 P.M.

AT 12:45 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:19 P.M.

MR. PRESIDENT:

The Proceedings of the House are resumed.
The Third Elected Member for George Town, continuing.

MR. TRUMAN M. BODDEN:

Thank you, Mr. President.

I now move on to deal with matters which are somewhat more complex and perhaps somewhat dry from the debate point of view, but which I think are important. This deals with matters which are implied under the Constitution or into the constitutional process, as against those where there are specific provisions.

I submit that there are several areas in our Constitution and in most of the older British Colonial Constitutions or Colonies, where their constitutions are British, and that the framing of constitutions in the British Colonies were very general in the early days and into it had to be implied certain things to make them work.

One of these I mentioned a bit earlier, was in relation to collective responsibility. The Constitution itself provides that in Section 9 (2):

"It shall be the duty of a member so charged with responsibility to act in the exercise thereof in accordance with the policies of the Government as decided in the Council and in accordance with the principles of collective responsibility, and to support in the Legislative Assembly any measure decided upon in the Council, unless he has received the prior permission of the Governor to act otherwise or not to support such a measure."

That section gives a fairly advanced form of responsibility similar to Cabinet responsibility in a constitution which is otherwise not really advanced and there were times you got hybrids within constitutions.

If I may just go back to what the Earl of Oxford and Asquith had to say in relation to this, (and I do not want to read a lot of this), but he referred to this matter in Sections 29 and 30. He set out in that about the middle of paragraph 29:

"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 obligated to resign; but if he failed to do so, the sanction of dismissal of the Administrator (analogous to a Prime Minister's power to dismiss his Ministers) would seem a logical one."

He mentioned that it was also because of the advanced stage of this specific provision being analogous to that normally found in Cabinets where there is Ministerial responsibility and normally where there are also political parties, that there would be a duty if an Elected Member failed to comply with that to resign.

The Constitution, however, in Section 9(2) basically states that it is the duty of an Elected Member. It stops there, it says that Member must act in accordance with collective responsibility, it does not say what happens if he does not. We know that it is implied that when an Elected Member finds that he cannot support a position in the Legislature by which he is bound by collective responsibility, then if he does not resign and there are continuous breaches of this section, good Government grinds to a halt. This specific example that I have given is coming to the point that people are expected to act in accordance with what is usual and historically has been this situation in certain instances.

While it may be looked at as a deficiency in the constitution, I do not think from the research I could do (because there are only limited amounts of books relating as you know, Sir, to Colonial Constitutions), I could not find where this was not a typical type of clause where no sanction had been put in. So implied under this section is the fact that if the Elected Members of Executive Council cannot abide by collective responsibility then they should resign.

Following on that are certain other wide provisions in this constitution where people are expected to act in accordance with convention and by which a reasonable pattern can be seen, or should be able to be seen, in relation to these. If you take the interpretation literally of all of these different sections, the powers would appear to be much wider than in practice they really are.

One of them is the Governor's reserved power and I do not intend to read that but it is found in section 38 where in the interests of public order, public faith or good government, if the Governor thinks it expedient, then he has reserved powers under that section. It is normally expected despite how wide that power is that it will follow what has been done in the past and only been exercised in very rare instances.

There is also a power of disallowance under section 41 to the Governor through a Secretary of State and we know, even though that power is in general terms and wide, it is only rarely ever used.

Section 58 of the Constitution, gives Her Majesty the reserve power to make Laws positively, for the peace, order and good government of the Islands, occasionally (once, that I know about) that was used, (it was a Statutory instrument to deal with an aborted election), I believe in the sixties before my time of being an adult. So there are wide areas under this and my submission is that one of the things that is also implied under the constitution is the fact that the Elected Members of the Legislature are the persons who have always dealt with the finances of the country, always sat in Finance Committee. I should put that another way, that no Official Members have ever been in a position to sit on Finance Committee.

That position is strengthened by a statement from a Minister in Bermuda and I would like to read just a few short excerpts from the Commonwealth Parliamentary Association's minutes of the conference that was held in April. This was best put by Sir John Sharpe when he said as a Resource Speaker the following passage. The Honourable Sir John Sharpe who is Minister in Bermuda and a former Premier in Bermuda he says:

"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 Members 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."

So certain things that are understood and are implied in a country are very important principles and even though there may not be specific reference in a constitution, we have to look at all the surrounding circumstances.

There were several other quick references that I would just like to refer to while I have this document out.

The Member for Tourism read a short part of what the Speaker

of St. Lucia, the Honourable W. St. Clair-Daniel, mentioned and he read the part that he wished to read which suited his case and I should say that is why the Backbenchers are here or vice versa at times. When a part of a case is put, or a position put, then the other side can put the other part. It is correct that he said as the Member for Tourism read that:

"I think if it is a matter of the composition, well, in St. Lucia, the Standing Finance Committee comprises all the Members of the House."

He did go on to say it is the elected people who give the supplies. Therefore, if you do not have a Minister of Finance, it is quite appropriate for the Secretary of Finance, (referring to the Financial Secretary I would think), to preside and give the explanation that guides that Committee but it is the Elected Members who make that decision and all of them are there.

Mr. Ripton McPherson, who is a former Speaker of the House of Assembly in Jamaica, stated:

"I think that we ought to remember that to a large extent the history and growth of the development of Parliament has been based in this precise thing. That is the objection of people to being taxed without their being able to offer any representation as to what happened 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."

Dr. the Honourable David Tomkin gave the reason why this has always been so, when he said:

"The fundamental difference here is that the Finance Committee is a way of making sure that it is the Elected Members who examine the financial expenditure in the true traditions of Westminster."

And I stress those words, Sir, in the true traditions of Westminster.

How does that all fit in, or support the position that I submit was the situation back in 1972, when the constitution at that time came in? If we turn to page 20 of the Report by the Earl of Oxford and Asquith at paragraph 36, we find a paragraph there dealing with Finance Committee.

For brevity, what I would like to do is to submit these next matters that I say in relation the two propositions. First, this has been implied under the Constitution and secondly, that the matter of Finance Committee is a constitutional matter and therefore one in which the Official Members in the Legislature should abstain from speaking and voting upon. I will use this now rather than deal with the two separately to go through this and to avoid repetition. We find that paragraph 36, which relates to Finance Committee, is under chapter 4 which are the Principal Recommendations and it is headed in capitals to that effect.

"The present Finance Committee (of the Assembly) consists of all unofficial Members of the Assembly with the Financial Secretary as chairman: an unwieldy body. A smaller committee with a still smaller quorum could be a convenience and could be entrusted with more useful functions.

I recommend that if a Finance Committee is established under the procedure described in paragraph 35 above, it should consist of one official Member of the Executive Council (normally the Financial Secretary) as chairman; the four elected members of the Executive Council; and three other members of the Assembly to be appointed by the Administrator on the advice of the elected members of the Assembly. The quorum of such a Finance Committee should be five members in addition to the chairman."

He puts this specifically under Principal Recommendations and there is a further section that follows chapter five which deals with Minor Recommendations. This was very important to the Constitutional Commissioner at the time and it is a matter that is dealt with in a constitutional instrument or report which is being done by an expert on constitutional matters, and who therefore has in my view, made it abundantly clear that he, as a constitutional expert, regarded the Finance Committee as a constitutional matter.

One thing that is abundantly clear is that if there is a constitutional matter before this House, the Official Members should abstain from speaking and voting upon it. In this the overriding factor is that both what the Constitutional Commissioner found, which is a Finance Committee made up of elected and nominated members, what he subsequently recommended, (which apparently was not followed at that time nor has been followed since), of a smaller Finance Committee, that nowhere in it is any reference at all to having Official Members on Finance Committee.

I think this is most important because he had to have at the time considered all of the situations that may have arisen, and nowhere in this Report has he recommended that the Official Members should be on Finance Committee. How does that tie in with our position?

What he recommended of Finance Committee did actually go into the Constitution and it is interesting to see how it went in. I would assume that he, as the Constitutional Commissioner, would have seen this. He had the committee system put in and where he said that it should be made up, as that under paragraph 35 of his Report, this deals with the committee system where you have power to appoint committees.

So his provision in the Constitution, I submit therefore is a constitutional matter, was that this most important body would have been established. He recommended it be established under the committee provisions which are now found in our Constitution under sections 42 and 43 of the Constitution. Section 43(1) of the Constitution, if I may just read this, says:

"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."

I stress, appointed by the Governor in accordance with the advice of the elected members of the Assembly.

So very clearly, the Constitutional Commissioner Lord Oxford and Asquith when dealing with this matter, did I submit, two things. Firstly, he regarded Finance Committee as a major constitutional matter because he dealt with it while dealing with the constitution. He actually enshrined the process to reach this in section 43, which I think was the section the Member for Education attempted to deal with in the Bar Association's letter. What he envisaged was that the Finance Committee would have been appointed but he was looking to advice from the Elected Members of the Assembly.

I think this is very basic to the situation that there is nowhere that he ever expected to have Official Members on Finance Committee because what he found in the 1959 Standing Orders was that there were no Official Members in Finance Committee and he refers to the position as he found it.

He goes on to restate the position which does not change anything in relation to the Official Members. He submitted and it must have been in his mind that under this Constitution, in its fairly general provisions that this situation may have arisen. He nowhere states anything about having the Official Members on Finance Committee and the process that he set out in any event only had on seven Elected Members, it had no Official Members on it.

Following upon this, there is no way, I submit, that it is possible to attempt to read into the Constitution that the Official Members were expected either in 1972, prior to it or subsequent to it, to have been Members of Finance Committee. One point that this stresses most strenuously, and I submit that this is the position, that this is a major constitutional matter.

I draw the distinction between express provisions of the Constitution and what is a constitutional matter. We know that with constitutional matters, the Official Members abstain from voting and they abstain from speaking on it. I submit that constitutional matters can be those which are implied in the Constitution and especially where the expert in constitutions and Constitutional Law himself has put the Finance Committee section, which is section 35 of his Report, under his Principal Recommendation.

He has recommended that there be a specific consultation or make-up of the Members of Finance Committee and it therefore is a constitutional matter. To reinforce this the process that he established in the Constitution to arrive at this was one in which the Governor would look at the advice of the Elected Members only.

If therefore we feel that the issue of Finance Committee is a constitutional matter (and I submit that if anyone was in a position to determine that, then it was Lord Oxford and Asquith in 1972), then the Official Members should therefore abstain from speaking and voting on this matter.

It is not as if this was brushed aside or even put under, (he had minor recommendation or as I pointed out in paragraph 5 he had other things in that which were serious but were regarded as minor), but this he regarded as a major, or as he put it a Principal Recommendation and presumably it had been, as we will see under the Committee section, (which I do not want to read that is very long, a page and a half), that he had dealt with the matter in some depth with the people.

Also, I would submit to a lesser extent in support of this position is the fact that where there was the changing of the Office of Speaker, of which I agree there is a specific provision in the constitution, the Official Members were released from responsibility.

What is very interesting is that the Standing Orders section 31 of the Constitution comes immediately before section 32 which deals with the Speaker's situation.

The provision for Standing Orders is different from when other motions are passed because it requires your approval. Motions, other than those with finance involved there is a specific provision on that but this specific one differs in that it requires your approval.

I would submit at a later stage that when we look at that section for it to have meaning, (and someone mentioned in here, of seeking the advice of Council prior to approval in certain instances where you have to take the advice of Council), it seems to me in this instance that we would have

the Executive Council changing up the Finance Committee, voting on it and then turning around and advising that their vote should be approved by yourself.

At a later stage I will deal with in depth, as to instances which I think are more simple to this complicated issue now before this Honourable House.

I would submit that there are similarities between this motion and the motion that deals with the Speaker because it changes up the Chairmanship of the most important Committee of this House, the Finance Committee, at least the most important from the public's point of view.

Secondly, it goes beyond that. It changes the composition, it changes the members who make up the Finance Committee and therefore it goes much further than merely changing the Presiding Officer of the Committee or the Presiding Officer in the House here.

To reinforce this, if we look at section 31, subsection (2), of the Constitution we find that:

"31 (2) The first Standing Orders of the Assembly shall, subject to the provisions of this Constitution, be the Standing Orders of the Legislative Assembly constituted by the Order of 1965 as in force immediately before the appointed day, with such adaptations and modifications as may be necessary and those Standing Orders may be amended or revoked by Standing Orders made under the last foregoing subsection."

So the Standing Orders of the House were clearly preserved as they then existed in 1965 which had no Official Members on it and they continued on to 1976.

I would submit that where there are similarities and especially I believe if there is any doubt whatsoever in the Governor's mind as to whether or not it should only be the Elected Members of the Legislative Assembly to make decisions on this matter, that doubt should be cast to ensure that the Elected Members, as the people's representatives, do not have rights taken away from them. This motion does take away rights from the point of view that it stacks the votes against the eight Elected Members of this House.

There has to be I submit, rationality, rationalisation and a looking at the situation of the history of British Colonial countries when arriving at what is a proper decision on this matter.

Therefore, I believe that we should have regard very heavily to the 1971 Report by the Right Honourable the Earl of Oxford and Asquith, the Constitutional Commissioner, on those two points as he definitely (there can be no doubt whatsoever) regarded the composition of Finance Committee, as a matter that was put not only in the constitution, in a way that it was not used and I admit that, the Government at the time carried on with it. But he did provide a mechanism in the constitution, not just in the Standing Orders.

I want to draw the difference between this. A simple change of Standing Orders is one thing, this is, in my submission, a major constitutional change as Lord Oxford and Asquith has submitted it is, has put in a special section on it and he has not anywhere given the slightest inclination that Official Members should ever sit on it.

Lastly on this subject, I would say that it is sometimes not easy when you are dealing with an instrument as important as our constitution which is in such general terms, to merely stay within the four walls of it because that is this country's most important document. It has to be interpreted in the light of what is fair and what is good for the country and what is good Government.

Also at the later stage, I would mention that it is what is representative of the people of the Cayman Islands.

I would like to just mention that the authority which mentions this generality with constitutions is Commonwealth and Colonial Law by Sir Kenneth Roberts Wray at page 336. He has pointed out that:

"It has been usual for recent Constitutions to state simply that the Cabinet, or Council of Ministers, shall be collectively responsible for Parliament without any indication of the consequences."

So it is not unusual, is what I am trying to say that constitutions have been left somewhat general and loose. What it comes down to is the people who work and operate under that constitution. It is very important that they play in accordance with the traditions and the heritages of the country and what has been good in the past in interpreting those sections of it.

I would like to touch on another heading of this which deals with how important it is that the mandate of the people should be sought on important principles, policies and laws. This was borne out, (I did not read this earlier I merely referred to it), in paragraph 14 of Lord Asquith's Report. The last two sentences said:

"At the end of June, a motion was passed by a majority of the Legislature purporting to express - (quotes) "the wish of the people of the Cayman Islands that a constitution providing for full internal self-Government be granted immediately after the forthcoming General Elections in October 1962". In July the Assembly was informed that the Secretary of State had been unable to accede to this request

because it was considered wrong to anticipate the October elections at which the timing of any constitutional advance might be expected to be an issue."

Also in paragraph 17 he said:

"The recommendations of the 1967 committee included requests for a majority of Elected Members in the Executive Council, the appointment of a Speaker to preside over the Legislative Assembly and the abolition of Nominated Members in both these bodies. But when members discussed these suggestions with their constituents, the conclusion was reached that they had no mandate for pursuing the matter, and that there was little desire for change."

It was also uppermost in his mind the two important principles, which I submit, if there is going to be any constitutional matter, (I use that word rather than dealing specifically with changes to the written Constitution), then I believe it is so important that the people have a say on it, either as an issue in a General Election or perhaps better still, in a referendum where a single matter can be put to the public for their views.

What I find interesting is the inconsistency at times between this motion and what has the expressed wishes of the different Elected Members of Executive Council.

Another matter that is important is, while I accept that the Member for Communications said, that he has no intention or words to that effect, of having the Portfolio of Finance or the responsibility to it, what I can say with some certainty and he knows this, is that in the past it has been a burning desire that he would either be a Financial Secretary in the early days (and there is nothing wrong with that), but his earlier wishes were to be in charge of the Portfolio of Finance.

What is significant about this is that under section 7 of our Constitution, a part of the Portfolios of the Official Members are by no means excluded from being the responsibility of the Elected Members of Executive Council. It is the Governor's power, acting in his discretion to allocate and charge the Members of Executive Council with responsibility for matters other than those set out in Section 7 (1)(c).

If you take this motion a step further, it is possible, if the Governor in his discretion so wishes, that Finance could be put under an Elected Member. We know that this normally has never been done in a constitution at the stage at which we are. It is implied under the constitution, so to speak, and history has shown this that certain matters are normally never, or should not, be passed over to Elected Members.

It is quite possible under section 9 of the Constitution that an Elected Member could have responsibility for some of the matters which each of the three Official Members hold. For example, Immigration, or perhaps advising legally on matters which do not actually relate to the excluded powers which are Defence, Internal Affairs, Internal Security, the Police and the Civil Service.

So what is worrying to me is what could be the next step. I believe Mr. Franklin Smith was right when he said this is only the beginning because I would think that the day that Finance ever shifts to an Elected Member in this country we are going to have an extremely worried private sector, banking sector and that sort of matter. Because things that work should be left alone.

If the Official Members are charged with their responsibility, if Finance Committee has its Elected Members on it with no Official Members there, I say leave well enough alone. Because you only get stability being challenged when you have changes which are radical changes and quite frankly this motion is a radical change.

It seems that this motion is one which is taking the constitution backwards. I do not mean the constitutional instrument, I am talking about the overall constitution within the Cayman Islands, and by no means being in line with what has been stated from time to time by the Member for Communication and by the Member for Tourism.

I have a short quote I just want to mention, we find that at page 30 of the Hansard, the Minutes of this House of 8th September 1986, the Member for Communications speaking said:

"I believe, Mr. President, that the fifth heading dealt with by the Honourable Second Official Member was entitled 'What are the Safeguards?' and I would like to remind the Honourable Second Official Member that if I were their Honourable Second Official Member and he was here, he would probably be giving me a little bit more soup than he is getting this evening. This is the price that you pay when you are in a position in a Legislature or a Parliament that should be perhaps be filled by an Elected Member and I believe that the day is coming when Members who sit on those official benches should be Elected Members who are responsible to the people of this country and not senior Civil Servants".

The Member for Tourism also mentioned, this is coming from The Newstar, the April issue on page 30:

"That shortly after the 1988 Elections, I say that while I am not strictly for independence and never will be, I could see us advancing to Ministerial form of Government at some stage."

That is an advance. What I am saying is it is inconsistent with this motion (because in my view this is taking away from the Elected Members the responsibility that they have), and going backwards. I am not here to debate what is right and what is wrong in relation to constitutional advance but merely to draw the distinction that what has been said in the past by Members definitely is not in line with what they are now trying to do by adding the three Official Members votes to Finance Committee.

I go on to dealing with what the Elected Executive Council Members regard as the options that are open to them. The Members, (and it was mainly the Member for Education in dealing with this matter, but I think also the Member for Tourism), said that the options which were open to them were, one - to resign and call a General Election or secondly - to bring this motion. Reference may have been made, I think to a third matter but I do not intend to specifically try to deal beyond this.

HON. BENSON O. EBANKS: Would you like me to help you with the third one?

MR. TRUMAN M. BODDEN: If you tell me without talking into the microphone, yes. The third one was to accept the recommendation of Lord Oxford and Asquith in relation to the Finance Committee. That one was obviously not accepted by the Member for Education at the time who was one of the drafters, or at least one of the people involved in this Constitution in 1972. Also it was a view of the public I would have assumed at the time, to leave things as they had been before and not to change that part, leaving the 12 Elected Members on the Finance Committee itself.

MR. PRESIDENT: Proceedings are suspended for fifteen minutes.

AT 3:20 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:55 P.M.

MR. PRESIDENT: Proceeding of the House are resumed.
Third Elected Member for George Town, continuing.

MR. TRUMAN M. BODDEN: Mr. President, I would like to deal briefly, as I believe time is catching up on me, with the matter of one of the Options that Executive Council Members say they had, which was to resign and call General Elections.

In relation to that, what I would just like to read is set out in Commonwealth and Colonial Law Roberts Wray at page 64. It says, and this is dealing with responsible Government under the heading Responsible Government:

"In constitutional usage expression may be said (briefly) to connote a system of government by or on the advice of Ministers who are responsible to legislature consisting wholly, or mainly, of elected members; and this responsibility implies an obligation to resign if they no longer have the confidence of the legislature."

(1894), it said: From that page 65 quoting from an old book by Alpheus Todd

"Responsible government is a system of local self- government akin to that which prevails in the mother country, introduced to relieve the Colonies of imperial interference in their domestic or internal concerns; public affairs are administered in conformity with the principles of ministerial responsibility which since the revolution of 1688, have been engrafted upon the British Constitution; the members of the Government are appointed with the understanding that, upon their ceasing to retain the confidence of the popular branch of the legislature, they must resign office."

Further, (I could not find some of my notes, but jokingly, unlike the Member for Education, I remembered where I had put mine) and what I wanted to read was on collective responsibility.....

HON. BENSON O. EBANKS: I wonder if the Member would give way, Sir? I remember clearly where I put my notes. I looked at them when I was leaving and wondered whether I should lock them away in my briefcase.

MR. TRUMAN M. BODDEN: I withdraw that, Sir.

HON. BENSON O. EBANKS: I decided that it was not necessary because we should have honourable people up in here. They were left on my desk.

MR. TRUMAN M. BODDEN: I withdraw that, Sir, it was meant purely as a joke.

MR. PRESIDENT: I am sure it was meant as a joke.

- MR. TRUMAN M. BODDEN:** I said so before, I said it, I will keep away from that.
- MR. PRESIDENT:** That was not a Point of Order, it was an explanation in reply to that. The Member accepted it, do you want a Point of Order?
- HON. BENSON O. EBANKS:** Yes, Sir.
- MR. PRESIDENT:** Would you make your Point of Order.
- MR. ROY BODDEN:** I just wanted to ask the Honourable Member if he was suggesting that there are not honourable men inside here?
- MR. PRESIDENT:** As I understood him he was saying that they are honourable men.
- HON. BENSON O. EBANKS:** Could I reply to that, Sir?
- MR. PRESIDENT:** I do not think we want a debate on this.
- HON. BENSON O. EBANKS:** I do not know if it is men, Sir, but there is at least one dishonourable person up in here.
- MR. PRESIDENT:** I do not want to interrupt the Member speaking but I am, in fact, going to make a statement about this matter first thing tomorrow morning.
Would you continue?
- MR. TRUMAN M. BODDEN:** Mr. President, once again, reading from Roberts Wray reading from page 336, this also relates back to my earlier mention that our constitution was advanced in respect of collective responsibility, yet backwards in some other ways. Under the heading, Collective Responsibility, it states:

"So long as members of an Executive Council or other similar body are appointed as individuals rather than as members of a political party, and 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. But when a country attains responsible government it follows almost of necessity; for the conception of a government responsible to the legislature could not be maintained for long if the responsibility were not shared by all the Ministers, the only escape from the individual being resignation. It has been usual for recent constitutions to state simply that the Cabinet or Council of Ministers shall be collectively responsible to Parliament,"

So clearly it seems that while there is a specific provision that eight Elected Members may remove Members of Executive Council, it also seems to me that the Executive Council has to decide at what stage good Government is continuing or ceasing, and that if they have lost their majority and cannot effectively put through all of Government's major policies then they should look at whether it is in the interest of the country to resign and let the country move on.

The other aspect that was mentioned was that it would be cowardly to resign. However, it is a question as I see it, since there is collective responsibility and since they do answer basically to this House, whether once again this may not be one of the matters that should be looked at carefully because in other systems, agreed more advanced in many respects than ours, this matter of resigning when you cease to be able to properly govern is one that comes into play quite often.

The other matter is whether they continue and bring this motion to change the Finance Committee. On that, I submit that we find the solution in the words of the Member for Communications, once again in the Newstar of April 1990, when they, as the Government, had interviews with the Newstar and the statement in there which has not been challenged as being wrong is this:

"Executive Council can still effectively run the Government but it is not quite as easy as it would have been with Backbenchers to support our policies," said the Honourable Linford Pierson Executive Member for Communications Works and Natural Resources, who is serving his second term as a George Town representative."

This is all before this motion was put so my question involves this statement made by them 'that Government can run'. Why are they now trying to circumvent the Finance Committee by adding on the Official Members to it? Either it can, or it cannot and we do not have an admission here by them that the Government cannot continue and that is why I keep coming back to it.

We are back to the basic reason for this motion which is a move to get hold of the finances of the country for the large projects that the Backbenchers have stopped. Not because Government cannot run or Executive Council cannot run as they said, but because they cannot have their way with

the finances of the Country.

There is another option that is open to the Members of Executive Council or Members of this House, I should say, that is that they should opt to go to a referendum. If I do not have the time to deal in depth with this, I would hope to do so at a later stage because I see that as an alternative which is sensible. It preserves stability, it is very clear because if people tell you which way to go and we are their representatives, we should follow it. It could be done swiftly and reasonably simply.

From there I would like to touch briefly on the position of the Civil Service. It is an accepted principle that the Civil Service should be kept clear of politics as far as possible. That is very important, because the Civil Service continue on and there should not be any political interference in it.

Similarly, the Official Members of this House and civil servants should not be forced to be exposed to politics and especially so where it is out of the traditional accepted rules. I am reading here from Wade and Phillips and Constitutional Law pages 224 and 225 under the heading Political Activities of Civil Servants and they say:

"It is recognised that the political neutrality of the Civil Service is a fundamental feature of British democratic (that is, Constitutional) Government. Accordingly, participation in National politics is barred not only for the administrative and professional grades, but for many of the executive and clerical staff who work with them on the changing political Ministers."

I would feel that this debate alone is a very good example of the high profile that the Official Members may be subjected to in the future and where they are really not equipped, legally when I say that, to be able to many times fully defend their position in political matters.

So I believe it is prudent and it is no accident why the Official Members are not on Finance Committee. This is supported, if I have the time I will go back and just read a brief section in a further authority on that.

To move on to one of the last main matters, and that is to deal with what the Elected Members and also the First Elected Member from Cayman Brac mentioned, that both sides of the House should be able to negotiate matters out.

The Budget in December of last year, which is the Budget for this year, was one in which we spent five days negotiating with the four Elected Members on. The majority of that time was spent trying to show reason to four out of 12 Elected Members. That they should give a little, and this was a budget of over \$100 million. The re-distribution, I do not know what the figure was, but maybe six, seven or eight million went into the Districts, was a really small amount of what went on.

This matter was (I thought, and I submit), dealt with very reasonably by the eight Elected Members of the Backbench because we were sitting with eight votes with the exception of one or two minor matters out of 40 plus motions. There were two that there was a split on, I believe maybe one, maybe more, but in that area, some 40 plus motions that eight of us were unanimous on. We, at that stage could have done anything we wanted with that Budget.

If we were what they say we were and by the way, what is interesting is that they not only say that we are problems but I notice now that it is the Chamber of Commerce, the Young Businessmen's Association, it is the people of the country, and it is everybody else. So there has got to be something wrong with the four Elected Members of Executive Council when they cannot get on with not only the Backbenchers but now with most of society.

The agreement was simply that the motion to increase Heads of Expenditure would be done by the Honourable Financial Secretary as Chairman. It would be put by him, and the reductions were put by me, but what is important is these were unanimously passed, because the impression that the Members for Education and for Tourism, made us out as if we were in there as little dictators and they could not do this and they could not do that.

We do not need five days of negotiating if we had decided to do what we wanted with that Budget. I think common sense shows that. But we negotiated over a period of five days, we were fair in what we did and at the end of the five days, all of us sat down in the coffee room and socialised with each other.

I figured at the end of that, we had worked out a very happy medium of negotiation and of getting along, that is why I was really surprised to suddenly see the Government now coming back and saying how unhappy they were.

There were only the large projects that were changed in that matter. And quite frankly, while negotiations were heated at times, they were always congenial. While both sides were under pressure, I do not think that it was anything out of the ordinary with normal negotiations because in this life there is no way we can keep having our way without carrying out negotiations. We do it in business, we do it in politics, which is no different and it is a way of life in a democracy.

We did not in any way breach the Standing Orders of the Legislative Assembly, or of the Finance Committee. What we did was with the consent of all 12 Elected Members in relation to these matters. It was agreed to such an extent that when things were put and Members decided to share the glory for it, at times it would say, for example, the Member for the District of West Bay had mentioned this, or had put it forward, or recommended it. At least from negotiations, as I understand it, (and I have been a lawyer for 20 years and seen a lot of this), they were no different from what are usual in any other negotiations. There are two sides and they reach a happy medium of give and take.

If we had wanted to be destructive, (which I think has been a

word that has been used on us), we had opportunities after that time and did not take advantage of them because when the Newstar of April, 1990, (which I have been reading from all evening), I have just noticed here that a lot was said about us in this magazine by the four Elected Members. We declined to comment to the Newstar and the section in the Newstar reads, heading:

"'No Comment', The eight Backbench MLAs declined to be interviewed for this story despite determined attempts by Newstar. George Town MLA Truman Bodden speaking, he said, on behalf of the other Backbenchers, explained they wanted to avoid any further conflict until some of the pressing problems facing the community had been resolved."

We could have gone ahead in this and produced as many destructive comments as the Government did. But we have been trying to hold back as much as we can in the interest of stability, and the interest of the country, and where possible to negotiate and keep a lot of the strife and turmoil from out of the public's fear.

We have honestly tried, however, we constantly go against the problem that they, the Elected Members of Executive Council believe they must have their way. To negotiate, you cannot go in to negotiate when one side will not move from their position. That is total nonsense, there has got to be two sides both prepared to give and take.

When you look at this motion, we have given 50 per cent of it, we have accepted 50 per cent of the motion and the headlines in the Compass is that Government stands firm. How can you negotiate when only one side wants to give? It has got to be give and take. This is the problem that we have faced consistently with the Government.

They always want us to give, they never want to give anything themselves. They must have their way and I am afraid that this is what is destroying this country. Because remember, we have passed the vast majority of the Government's Laws and motions and their Budget with the exception of what we cut.

We are not disruptive but on the other hand we are protectors of the public, we cannot give everything. In negotiations, if one side gives 50 per cent then the other side has to come back and attempt to give something. It is stupid to talk about negotiating but you are standing firm on your position. There is no scope.

This is what the public, I think is now finding out because a wrath of Executive Council has now come upon Caymanian Compass who have tried to criticise them and on the Chamber of Commerce, and lastly it has also come upon the people who they claim that the public do not understand the motion.

Another good example, on Wednesday there was some negotiation where we gave on a motion that was ours, for it to go through. But when you look about the same time, this was the one relating to ambulances, to the one that related to juveniles there was no give. What I am saying, there has got to be a genuine effort to negotiate on the part of both sides for this to work.

Yes, on Friday, at the eleventh hour when I had finished speaking, I was asked to go into an informal meeting of the Finance Committee and we went in. One of the things that we have asked for (from time to time) is to be given reasonable notice but we went in, we cooperated and we have done this time and time again.

What we always hit when we ask for something to be done, or to be done quickly, is that Government is in a rigid position, they are standing firm, they have got to have their way. This is why whatever problems arise in this country it is squarely on the shoulders of the Elected Members of Executive Council. Whether that be a General Election or whether that be destroying stability, which I will now go on to deal with, then I believe, and I know, that it has been because of their failure to make any efforts to do anything towards negotiating in instances when they cannot have their way.

Stability can only remain while democracy remains and democracy requires stability. It must be a Government by the people, of the people and for the people. There is no other Government in a democracy that can function and survive. While the Member for Tourism mentioned that they do not want responsibility without authority, similarly the people do not want expenditure of their money without authority and accountability. There are two sides to this story.

Anything that the Backbenchers have either slowed down or stopped in that expenditure, we went public with it, we gave our reasons for it, we did not try to hide it. So there is no question about responsibility falling on Executive Council on matters where we may have acted, But they were few and far between.

What I think is most upsetting to democracy is where you have a watering down of the democratic process where the Elected Members of the Legislative Assembly are being weakened in their role to protect and represent the people of the Cayman Islands.

I can tell you, that is the problem that is out there now in the private sector. People are worried that a democratic procedure that has been in place from time immemorial in this country and every other Commonwealth democratic country, is being destroyed and they are afraid of what is going to follow with the expenditure on the projects which we have either slowed down or stopped.

If stability is affected by this Motion, it is clearly the Motion of this Government. They have brought it, they are the people who are pushing it in the face of rejection by the public. How can the private sector feel good about a matter when most organisations in the private sector have been attacked by the Government, because they have said that the motion is bad. That is what is affecting and hurting

stability in the Cayman Islands.

If the Elected Members of Government were truly worried about stability in this country rather than being worried about getting their hands on the people's money for their expensive projects, they would be withdrawing this motion and not proceeding to put this country in turmoil. It is their Motion, it is they who are pushing it and it is they who are destroying stability.

That long speech that the Member for Education gave on stability and instability and how it is being affected by this motion, I thought to myself, does he really truly appreciate that they are the people who brought it? They are the people who are pushing it and it is their motion that is hurting and destroying stability in this country.

Along with that is the fact that in their run or their anxiety to get this through, they are also touching a person who is respected by the financial centre and by Cayman Islanders as a whole.

In my view, they are demoting him, our Financial Secretary. Because the one Caymanian who has reached the top on the Civil Service side and is respected by all of us in the financial centre, it is the present Financial Secretary. If they want, or if they had thought about stability, they would have never included him or the other Official Members in that motion.

Further, when the civil servants, as I mentioned earlier, become embroiled in political arguments in this House and outside, which they are bound to be, sitting especially in a Finance Committee that is going to be divided at times, it is bound to put them in a very difficult position and expose them to what Professor Wade regarded as one of the fundamentals of democracy as we understand it that of a neutral Civil Service.

MR. PRESIDENT:

Would you excuse me for a moment?

By my calculations, the Member speaking has five minutes left before he comes up to the four hour rule. Would the House be agreeable that we should continue for the extra five minutes?

HON. BENSON O. EBANKS:
in repetition.

I would agree for him to go on, Sir, but he already used that up

MR. TRUMAN M. BODDEN:
minutes interrupting me.

Mr. President, if the Member remembers, he took several of my

MR. PRESIDENT:

I am sorry, the four hour rule refers to breaks, not interruptions.

MR. TRUMAN M. BODDEN:
near to my four hours.

Mr. President, what I would prefer, I did not appreciate I was so

MR. PRESIDENT:
exactly what I have done.

I normally give you notice at five minutes to go and that is

MR. TRUMAN M. BODDEN:
ordinary. What I would prefer to do is to take the five minutes to briefly do a summary in the morning, which would give me time to just go over my notes because as you appreciate, I have got a lot of notes and documents here and do a winding up in the morning please.

I am not saying you have not done anything which is out of the

MR. PRESIDENT:

I think this is very much up to the House. The Standing Order does say that if the Presiding Officer is of the opinion that the proceedings in which the House or the Committee is engaged could be concluded by a short deferment of the moment of interruption, he may in his discretion defer interrupting the business. Well I do not propose to exercise discretion, I think we should have a motion either to adjourn or to continue.

HON. BENSON O. EBANKS:
we comply with the request of the Speaker and let him have five minutes in the morning because he needs it. All he has been doing is repeating himself for the last 15 minutes.

As the Member who moved the motion, Sir, I would suggest that

MR. PRESIDENT:
motion, the House would not continue.

For whatever the reasons, it is fairly clear that if we had a

adjournment?

Would the First Official Member please, therefore, move the

ADJOURNMENT

HON. THOMAS C. JEFFERSON:
o'clock tomorrow morning.

Mr. President, I move the adjournment of this House until 10:00

QUESTION PUT: AGREED.

AT 4:28 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,
TUESDAY, 26TH JUNE, 1990.

**TUESDAY
26 JUNE 1990
10:21 A.M.**

MR. PRESIDENT:
Cayman.

Prayers, by the First Elected Member for Cayman Brac and Little

CAPT. MABRY S. KIRKCONNELL:

Let us Pray.

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

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

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

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

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

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

ANNOUNCEMENT BY THE PRESIDENT

DISAPPEARANCE OF PAPERS FROM THE CHAMBER

MR. PRESIDENT:

Proceedings of the House are resumed. Before we proceed with Government Business, Members, I think, will remember that I was going to say a few words about the unfortunate disappearance of certain papers from the desk of the Honourable Member for Education.

Preliminary enquiries have not, unfortunately, indicated how this happened or indeed who did it. I am sure that Members would not find it tolerable that this sort of thing can take place within the Chamber. I have decided to order a full enquiry into the matter. This will be conducted under the authority of the Sergeant-at-Arms and meanwhile, I have asked him and the Police Officers on duty, (who look after us so carefully), to take a special note of any unauthorized people moving into the Chamber.

Thank you.

GOVERNMENT BUSINESS

MOTIONS

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

Amended Motion on the Report of the Standing Select Committee on Standing Orders, debate continuing. The Third Elected Member for George Town continuing.

MR. TRUMAN M. BODDEN:

Mr. President, the Government Motion 3/90 is divided into two halves. One part makes proceedings of the Finance Committee public and the seven Backbenchers agree fully to this. The other half removes the Honourable Financial Secretary as Chairman of Finance Committee and adds the other two Official Members, the Honourable Attorney General and the Honourable Administrative Secretary who are civil servants, to the Finance Committee.

Never in the Cayman Islands, or a commonwealth country, at least not the known West Indian Islands have Official Members, that is the three civil servants in the Legislative Assembly, on Finance Committee. This is not an accident but a long accepted principle that expenditure of the public's money must be authorized by the public's Elected Representatives who are accountable to the public. The problem is that Government feels that it must have its way, and it appears that if the four Elected Members of

Executive Council have to destroy the country to do so, they expect to have their way.

It is implied under the Constitution that Official Members do not sit on Finance Committee. All the foreign and local Resource Speakers at the Commonwealth Parliamentary Association Seminar in April this year confirmed this. Executive Council claim they only had three alternatives, the fourth alternative I suggest is to go to the public with a simple referendum and find out if the public support the Government Motion. This is the least upsetting option to the country. The only two reasons given in the Government Motion are that the Official Member responsible for Cayman Brac and Little Cayman is to be in Finance Committee and also the Second Official Member. None of the Official Member's budgets were cut and Cayman Brac and Little Cayman got \$1 million more from the Backbenchers this year.

The Elected Members of Executive Council said the public do not understand the Motion and that is why the public do not support it. This is an insult and a slap in the public's face. References to letters against the Motion such as the Chamber of Commerce, Caymanian Bar Association, Young Cayman Businessmen's Association and the Compass' editorial were referred to by Government as to one or all, by the Government Elected Members as being misguided and in one instance nonsense.

Now, the public will know what we, the Backbenchers, have been told when we oppose the Government's Policy and believe me, what the Government Members have said to the Associations and Compass is mild to what they tell Backbenchers. We, as eight of the twelve Elected Members in Finance Committee, negotiated a Budget in December 1989, over five days. The relationship was so good, that I delivered the vote of thanks to the Honourable Financial Secretary on behalf of both the Backbenchers and the Government.

If Executive Council gets the Official Members on Finance Committee, I believe the effect would be that Government will bring back their expensive projects. The \$33M in the Government's Treasury is there because the Backbenchers will not let Government squander it on their grandiose projects. This Government Motion is a Constitutional matter and Lord Oxford and Asquith dealt with Finance Committee under his principal recommendations in his Constitutional Report. He recommended that:

"Finance Committee be set up under what became Section 42 and 43 of the present Constitution, whereby the Governor would appoint Members to Finance Committee."

in accordance with the advice of the Elected Members of the Assembly.

There is a well established convention that Official Members voluntarily abstain from debating and voting on Constitutional matters. I believe that the Governor would be justified in refusing to accept Executive Council's self interest advice if it breaks this very important convention.

Elected Members are representatives of the people and have a duty to carry out the wishes of the people, and, if they cannot do so they have a duty to resign. Government's problem is that they want to have their way at any cost and have made no effort and have no wish to communicate with Backbenchers. Government will not negotiate, they say they stand firm. We compromised and agreed on 50 per cent of the Motion, Government will not negotiate, much less compromise.

Our Financial Secretary is well educated, very experienced and efficient. He has done no wrong to be sacrificed by the Elected Members and removed from being Chairman of Finance Committee to an ordinary Member. There will be no taxes if Government cannot squander the money, which it cannot do without getting this Motion passed.

Finally, stability in the Cayman Islands needs democracy, democracy requires majority rule. The expenditure of public funds needs accountability in a democracy. Only Elected Members are accountable to the public, therefore, only Elected Members should be on Finance Committee otherwise the public will suffer.

Thank you.

MR. PRESIDENT:

The First Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, I rise today in opposition to this political monstrosity before this House. We have been debating now for two weeks, a matter which should not have come to this Honourable House, thus have wasted the precious time of the country. I object to that, Mr. President. My colleagues on this side of the House have covered quite adequately, points legal and otherwise, to show that the Executive Council has no case, whatsoever. Therefore, I am hoping that I will not hold up the business of this country much longer. I do have some ground to cover.

First of all, this Motion is seeking to change a fundamental part of our Government system. While it may be argued that it is not a Constitutional change in that it has not a recommendation saying to change that Constitution. It is, we have been submitting, a Constitutional matter. It is changing the spirit and intent of our Constitution Order. It is not only changing the spirit and intent of our Constitution Order but it is changing the spirit and the intent of the British Constitution as we know it, where finances are voted by Elected Members of the Commons.

Our system of Government has prevailed since 1832, and our system of Government has grown from strength to strength. One of the most important aspects of our system is the handling of our money. This was so back in 1959, thirty one years ago when it was declared that no Official Member would sit on Finance Committee except for the Treasurer as Chairman who is now our Financial Secretary.

That position has prevailed these thirty-one years and has held its integrity, even though all Members throughout the past thirty-one years have had differences of opinion and that

we can have differences of opinion, and Government continuing to function democratically is the hallmark of a good democratic Parliamentary system.

This is where this country is today. Our House is functioning democratically regardless of what some people might say about it. It is functioning democratically. The people have an Elected House of 12 men and the Civil Service three men. We seven out of the 12 chose to elect those four men to Executive Council, although one out of the four received the support of all 12 elected men.

I have sat back and listened these last couple of days and I heard them claiming that they have a mandate from the people to be in Executive Council. What rot! What a misleading statement, what a delusion! In any event those four men in Executive Council are there because seven of us felt that they would listen to us and that they would lead by consensus.

As I have said so often, no one man had a prerogative on brains and that is how they got into Executive Council. However, having got into Executive Council that ideal of listening, of working by consensus was not to come to fruition for many different reasons. If they wanted to do something, never mind the people who put them in Executive Council, as the Member for Education said in trying to reason this Motion out, Opposition must have their say but the Government must have their way. That works well in a functioning country with a functioning party system but it does not work in our system, this is not a party system. So they have their way regardless of whether they have the support of the men they said they would work with by consensus.

Many issues came. Cayman Airways came and that hurdle was passed after much upset to the people. Then came the other major issues which we had not come to agreement on and what are those? The Master Ground Transportation Plan, the "Jennett T" Plan, the two-site Hospital and the Consultants that proposed it and I always include, the West Shore Centre Post Office.

These are the things which now separate us as a Government, caused the split that caused the separation. I know you are going to hear that there are many other things, (because some people believe in having the last say), anything can be said so you are going to hear that there were other things of course, but these are the major issues.

These are the things which the Member, in Moving the Motion said, Government is hamstrung on, Government cannot push through, Government cannot have their way. These are the things that try the souls of men which is where we are today. When the four men on Executive Council found out that we could not be pushed in a corner like little boys, this; 'Frankenstein' was schemed up and a; 'Frankenstein' it is, to get around the men who they said they would work with.

They are now going to destroy a system which has worked well for thirty-one years and not only worked well but it is the only way it must work. A system where the people's representatives vote the money which is spent on projects and programmes for the people, that is an inherent principle in representative Government as we have had it.

That time proven principle where the Elected Representatives authorize any expenditure and the civil servants of the land administer the funds but have never, should never vote any money. There is much chatter by the Executive Council that the Officials will not vote taxes in Finance Committee. We have been accused of saying that. We have not said that, no one on this side has said that to my knowledge because Finance Committee do not levy taxes, this is not the argument.

The argument and what matters is that those Officials on Finance Committee will sit in the House and vote the taxes. That is bad enough, but accepted, and then they will march into Finance Committee and vote to spend the money. That is the argument, not that they will vote taxes in Finance Committee, but that they will vote to spend the money. That is the issue, our situation is entirely contrary to what this document the Magna Carta is based on and it is entirely, as I have said, out of bounds, out of step with the spirit and intent of the Constitution.

When the civil servants in Finance Committee vote the funds on projects like the Master Ground Transportation Plan, taxes are going to have to be put on the people to raise the money. So it is a fact, the two situations are linked, they are inseparable, the taxes will be raised and will come by them in Finance Committee.

This matter goes back, as I said, first to the Magna Carta, some 775 years ago, I think it was in June to be exact of 1215. Surely this must have some bearing on what is being attempted today in June of 1990.

These many years have passed in which our country has been free to develop in its own way. It is not surprising that our people have over the years chosen to follow principles which rest on the Magna Carta which is the key stone comprising the English Common Law and which we adhere to in this Country. The accumulation of precedents, the agreement of Sovereigns with their subjects, a diversity of charters and passive understanding between Governors and the governed have created a Constitutional system based on that Magna Carta, which has been the envy of other freedom loving people of the world.

It is from these precedents and agreements, it is from this understanding and from these conventions that authorities have been passed down for us to follow and adhere to. At the top is The Magna Carta, 775 years old and this Bill of Rights some 301 years old.

This matter rests there, a fundamental reason for The Magna Carta, 775 years ago and the Bill of Rights 301 years ago was to ensure against the principle of taxation without representation. That principle is facing us today and no other authority need be used but these two because everything constitutionally is bound up together in those two documents.

I have sat back these past two weeks listening to speakers debating. I have listened to the Presiding Officer making explanations and I had to contemplate with utmost seriousness how the Governor as Her Majesty's representative here on these Islands, in the face of the Magna

Carta and in the face of the Bill of Rights, in the face of the precedents and understanding and conventions and in the face of responsibility for peace, order and good Government, let this matter get this far.

Peace, order and good Government is not the order of these past couple of weeks, there is unrest, there is uncertainty. We have heard Members of this House complain about death threats, cars have been smashed, trucks have been vandalized. Anyone can see this matter is causing serious erosion of stability. It has started, I receive death threats all the time, I receive bad calls all the time. Let us look how far this thing goes and how far it has been taken.

The other night, on my way over to the Brac the Member moving this Motion and I sat together by some strange coincidence and when the stewardess asked me what I wanted to drink, the Member for Education, told her to put a good dose of strychnine in it. When my car was smashed up that same Member, for Education, when he was confronted by someone he said, "it should have been his head smashed up instead of his car window."

How far are we taking this thing? I do not take those things lightly, in fact I got up and moved from that seat that evening. I do not take those things lightly. How far is this thing going? I do not tell people to get out there and to smash people's heads up and I do not encourage people to put poison in somebody's drink. Whether or not he meant it as a joke, you cannot say those things in public when there is an air of unrest, of uncertainty existing in the country because you do not know who you are going to influence.

Is it any wonder that there is unrest when you have a Member of Executive Council doing that sort of thing and telling a person that sort of thing? Let them have their last say, I am here talking the facts, the general public whether in favour or against is upset and worried.

To tell you the truth, I have not rested well since this whole thing has been going on. I make sure that my windows are well barred, my house is well secured and that when I go out I am well secured as well.

There is unrest and uncertainty brought about with this issue, because with all the other issues people were prepared to let them go and say, come the General Election we can take them out, or we can take you out but this matter is a fundamental one and therefore our people are concerned, worried and upset. They are saying put an end to this state of affairs.

I, in my responsibility as an Elected Member, call on the Governor to consider the Motion as inimical in the interest of public order, to public faith, and to good Government.

We have heard what can or cannot be done under our Constitution. While it seems from the authorities I have read that it is a first principal of what is considered the British Constitution that the Sovereign King or Queen act solely. Likewise their Ministers and the Governor are expected to act in a manner consistent with conventional practice of British Parliamentary process. Whether or not the Cayman Islands Constitutional Order states specifically that the Governor must do and act in calling an Election when a Government has lost its majority.

It is inconceivable that the British Government would allow one of its dependent territories to act outside of its own conventions. One of these conventions, one of paramount importance, taken from Jennings' Third Edition says, and I quote, "an appeal to the Electorate is an appeal to the supreme constitutional authority".

It is true as Lord Balfour said that no Constitution can stand a diet of disillusion. Dieting would be the mandate only, because the Constitution failed to carry out its proper functioning of providing a Government with a stable majority. I am saying that the Governor must disregard any advice given him by the Elected Members of Executive Council in this instance. The Governor as I see it, would have the option of calling a general election when there are matters not in the interest of public order, public faith or good Government.

As Jennings said, an appeal to the Electorate is an appeal to the supreme Constitutional authority, the people. As one man has said, vox populi, vox Dei the voice of the people is the voice of God.

I have, in the past, rejected moves when I have found that people did not want it for a general election but a general election is the only thing that is going to cure the ills of this country today. Let the people decide whether they want those four men with a new majority or whether they want four new men with a new majority. But a majority must be provided into this country that can guarantee the people stability, which we do not have today. It is being eroded and this matter, the matter at hand cannot and will not cure the ills because we are not going to sit idly by and let our democratic rights be taken away by a minority of four people.

We are going to do everything legal, if we have to go to number 10 Downing Street we will. If we have to go and see the people in the Foreign and Commonwealth Office we will. We are going to take it that far. I tell you that if I get there and I can say a few words, there is going to be a lot of matters that are reported that I do not believe will get to the Foreign and Commonwealth Office.

This is a monstrosity. A disservice to the people of these Islands. When I say I am, I mean the seven of us on this Backbench will be going to No. 10. The people want peace, the people want order, the people want good Government. It is our duty to give it to them, let the Executive Council do two things this morning, withdraw this malignant folly or stand the test of time - the people - that is the challenge, that is what should happen. Either they withdraw it or we go and let the people decide by Referendum or by general election, but it must be decided. We look at the other facts that are inherent in the matter of civil servants and the voting of money.

In his opening, the Member tried to give credence to his argument of putting the Official Members on Finance Committee by referring to Bermuda, Trinidad, Jamaica and the Bahamas. It is true that all of these independent countries have or had Members of the Senate appointed to the

Cabinet, that is true but at no time were these Ministers members of the country's Finance Committee. There was no relationship that he could draw from the Members being in the Senate of an independent country, to what the Member for Education is attempting to do today. I do not know of any country in the Commonwealth today that he could use as an example to justify his actions and there is good reason why.

All countries of the Commonwealth try to adhere to the doctrine of separation of powers. Put simply, the doctrine of separation of powers is that the three functions of Government, the Legislative Arm, the Executive Arm and the Judicial Arm should be discharged by separate bodies and that will prevent misgovernment, mismanagement and corruption.

No two functions should be entrusted to the same hands, that is a fundamental principle. This is where the checks and balances are inherent in a Commonwealth Westminster Parliamentary form of Government and this idea was not a new one, it goes back to Aristotle, he referred to it. You read of the renowned Black-stone referring to the importance of mutual checks on Governmental power, of an independent Executive and of an independent Judiciary. Certainly there is an overlapping of functions here in these Islands because there are the three Official Members, Members of the Civil Service, in this House.

We have accepted this for many years so in truth a strict application of the doctrine of separation would exclude them. This we know, and we understand this. There is the same principle in the Parliament of the United Kingdom where, for instance, the Lord Chancellor as an Executive or Administrative Officer is a Member of the Cabinet, he is also the Presiding Officer of the House of Lords. No rule has bent it, the exception is that he is not a Member of the Supply Committee, the equivalent of our Finance Committee. The separation of powers are inherent in our system and where there is a slight overlapping, it is subject to the many controls vested in Parliament. I say any disturbance of the delicate checks and balance which operate on the Constitution other than what is not allowed should be rejected if we are going to continue observing the doctrine of the separation of powers as adhered to in the Westminster form of Government.

Where is the Member's case in talking about the Bahamas, Trinidad, Bermuda and Jamaica, he has no case. He is removing that time proven principle, the system of checks and balances. I believe that they accept that but they put forward another argument, they referred to the Auditor General who they say provides the checks and balances.

This is totally misleading because the Auditor General is a reviewer, the Auditor General is an investigator but only after the fact. He can review the checks and balances. He will review the two Official Members' Portfolio but he is not a checks and balances in the true Constitutional sense, in the sense that the separation of powers has provided these hundreds of years.

Better than that, where would the Auditor General stand with them, those three men over there, those four men over there who say they must have their way, where would he stand, where would his independent position be in this Country? Let us remember the attempts to malign our Auditor General by the Member for Health at his District meeting in Northside. The Auditor General started an investigation into International HealthCare Cooperation. Will they pay any attention to the Auditor General if he were to check and balance? Those are the reasons why we need to keep the system of checks and balances intact in this country. I will get back to that later as we have more time to deal with that matter.

Most times, the checks and balances work. We have a financially prudent country, that is where we are today. However, when those checks and balances are removed, it leaves the door open for corruption to walk in and public money is spent on grandiose schemes.

In other jurisdictions some of the countries that the Member for Education quoted, where those checks and balances have been removed, Ministers of Government who had nothing before, suddenly became rich overnight. I am reminded of one such Minister of Government in a country which was one of the most prosperous small countries in the Western Hemisphere. That Minister schemed \$60 million from the grandiose projects which he had proposed and ran from the country. Today the people are heavily taxed and foreign investment has slowed to virtually nothing. The people suffer and the country is in a bankrupt state of affairs.

Is this what we want? I say let us keep the doctrine of separation of powers. The Member moving the Motion said these changes are minor. He is fooling around with the separation of powers and I would think it is a serious matter. Our civil servants must not be used as pawns in the power game, which is now being played by Executive Council. Let civil servants administer our money, let them continue to be the controlling officers as the Executive is required to do. Let us as Elected Representatives of this Legislative Assembly, vote the people's money. That is our right.

A fact that makes this Motion ridiculous is that it is making the Honourable Attorney General and the Honourable Administrative Secretary in the fact that in their respective Portfolios they, are the controlling officers. Let us, explore the implications of this situation. It is clear but very foreign to the Westminster system where the Member, as in our case, will vote that money and that the same Member is also the Controlling Officer in the Portfolio.

This is frightening, it has serious implication and it does not hold well for proper accountability, it does not hold well for proper public administration.

As I said it is inimical to good Government and proper administration to have a Member of Executive Council vote funds for his respective department and then have that same Member be the Controlling Officer in his department. This is serious, we cannot get any more serious. What do we do, disband the Constitution? It cannot get any more serious in that we expect people who vote that money to be the Controlling Officers also, where are we leading with this matter? It should have been stopped the day it was tabled in the interest of good faith and good Government.

This attempt is dangerous and foolish. They are trying to stack the Finance Committee with people who are compelled. Compelled as we have heard by the Constitution to vote

with them, or as the Member of Education has said, they will be fired. You mean to tell me that with all their knowledge and so called experience of years of Government, they do not see the folly of putting civil servants in that sort of situation and that it contravenes the functioning of proper administration and accountability, the main tenants of representative Government. Lord God, what a mess we are getting into!

What is going to happen next? We will soon be telling the Judges in Courts whom to sentence and whom to jail. Will the Judiciary be interfered with next? A lot of time was taken in talking about Standing Order 63 to 68 which deals with the financial procedure in Committee and in the House. I will not be taking the time to read them because it only serves to cloud the issue. The only relevance these Orders could have in this debate is to show what happens when a matter comes to Finance Committee or the House.

In brief, what happens when a matter is referred to Finance Committee is that, only the Chairman or a Member of Executive Council can move that a Head of Expenditure be increased. This is what happened in December, there was nothing illegal in that. Everything was done legally and in accordance with the provision of Standing Orders.

The two Members from George Town on the Executive Council said, that we scuttled important national programmes and they bemoan the fact that they had lost the Budget. They agreed to do what was done under the Standing Orders but, if they did not want to agree, they had the remedy, go to the people.

I should add, I do not know what important national programmes were scuttled. We only took out the money which they had for such things as the "Jennett T" Plan and Consultants and we put it to our districts for such things in West Bay as roads, the Post Office, a library, school buildings and the renovation of the Town Hall into a proper Community Hall. Projects which the people have been crying about for years. I believe that I carried out my duty. We have every right to take that money because it was what the people really needed.

Now we come to another point. It is my opinion that it is wicked and undemocratic that these due proposals should put us in a position where we have to give two days notice to make an amendment in Finance Committee. Look at the constraints that this will put on the people's representatives. The reason why anything is referred to Finance Committee is for detailed examination and amendment of proposals if it is necessary with this requirement. It will practically make us impotent and it will make the procedures cumbersome and the business of Government will be slowed that much more.

MR. PRESIDENT:

Proceedings are suspended for fifteen minutes.

AT 11:17 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:52 A.M.

MR. PRESIDENT:

I apologize for keeping you waiting. Proceedings are resumed, the First Elected Member for West Bay continuing.

Mr. President, I wish now to deal with the aspect of this Motion

MR. W. McKEEVA BUSH:

which is a demotion for our Honourable Financial Secretary.

In today's paper 26th June, 1990, I see as I have seen for

several days or several weeks now, a paid advertisement by Executive Council and in this advertisement they are dealing today with just this point I am about to go on to.

I would like to read a part of this advertisement and I quote:

"In making the charge, they withhold from their listeners the fact that in his present role as Chairman of Finance Committee he does not have an original vote and cannot defend in Committee the policies he has initiated and gained Executive Council's approval for. He has to depend on his Executive Council colleagues to defend those proposals before the Finance Committee.".....

How ridiculous can these Members be in these paid advertisements? I hope this is not Government's money. How ridiculous! The Member for Education is talking to me as he usually does without his microphone on but I still cannot understand what he is saying. I still cannot understand what the Member is saying and I will leave him to what he has been saying.

It is ridiculous to say that the Honourable Financial Secretary comes into Finance Committee, sits there and will only vote when there is a tie. Because ever since I have been here, when the Honourable Financial Secretary comes into Finance Committee he, when there is a matter that is his responsibility, that deals with his Portfolio, that Member very ably deals with the matter. He tells us the pros and the cons. He answers the questions relating to any matter that he is responsible for and he undertakes to provide any additional information that Members may need.

So what is this talk that they need him so that he can defend his Portfolio? They need him and they want to use him, that is what they want to do to get their extra vote to put back policies in this country. He was there in a position where he said no at times, I will come to that a little later.

In our opinion, the Financial Secretary is doing a good job as

Chairman and very ably handles his Portfolio and gets the support of Members. So this matter is a demotion for him. It is a demotion in the eyes of every right thinking Caymanian and I resent it.

I resent it because that man comes from my district. He is one of the West Bayers that has climbed to the top. He is a role model for all of us who aspire and I have always looked up to the man, he is a role model. You never hear him talking condescendingly to anybody, he is a Statesman of a high order. That is why I appreciate him, that is why every right thinking Caymanian thinks that this is ridiculous. That, as we say, 'past the mark.'

Would it not be a demotion for the Governor in Executive Council if he was taken out of the Governor's position and put in as the Administrative Secretary's position? Would it not be a demotion to take a captain of a ship and put him as an ordinary seaman? What more could it be? Certainly it would be a demotion, it is a demotion!

Let me say this, they meant it! They meant it to be that way because the bunch of them bragged that they would clip his wings. Let me do a little exposing here this morning. You heard the Member for Communication and Works say, he does not want the job of Minister of Finance or to be Financial Secretary. Well all of us have ambitions and I do not put him down for his ambitions, that is a good job to aspire to. Well, it is my opinion they had a plan to oust the Financial Secretary and I want to deal with this matter.

If we take a look at the first draft of the Motion that was sent to me in the mail- you will see that the amendment was to be, and I read:

"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 ...",

... and this is the key element in this draft Motion:

"by the Member of Government responsible for financial affairs."

I will repeat that, matters will be referred to and considered by the Whole House in Finance Committee by the Member of Government responsible for financial affairs.

What else could this have meant, but that they planned to do away with the post of Financial Secretary? As our Standing Orders talk about, remembering as we do that the Governor of these Cayman Islands appoints the Financial Secretary according to section 9 of our Constitution, there is nothing in our Standing Orders, or the Governor's appointment, about the Member of Government responsible for financial affairs.

I say they were trying to oust him. And when they found out how difficult that would be, they cooked up this game and left out the words "Member of Government responsible for financial affairs", and put in the words that now read in this Motion that says:

"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."

This is what they changed it to, Mr. President. Do not stand here and tell me that they did not plan to oust him. They planned to oust him all right. They planned to get rid of him all right.

If anyone of them dare deny it I will sit down, I will give way. Let them get up in this House and say that this matter that I have here was not their first draft. Let him stand. I will give way, Mr. President.

HON. BENSON O. EBANKS:

Mr. President, I am not denying it, but what I would like the Member to do is to give the assurance to the House how he can be so convinced he is right if he received it through the post?

Has it been notarized as being the original draft, or has he received some assurance from some quarters?

MR. W. McKEEVA BUSH:

That is not the question, about whether it is notarized. Do they notarize things? Or do they get it sealed by a JP's signature? What I want them to produce in this House today is to prove that I am wrong since he challenges me. Let them give their first draft and compare it with what I have. That is the matter at hand. Not who sent it to me. That is not the question. Prove that you were not there to oust the man by putting in the word "Member of Government responsible for financial affairs", which our Constitution does not talk about, nor does our Standing Orders - and that you plan to oust him.

All they have to do, is stand up and compare what they have, with what I have. No notarial seal needs to be on this thing. The proof of the pudding is in the testing thereof.

They cannot deal with the truth. What I have is the facts - the truth. I would like them to explain now. Let them explain to us now. I will give way. I will give them a half a day if they require. Not when the Member is winding up. Everyone of us in this House know.

Mr. President, I hope you are taking count of the times that I have been interrupted by the Member for Education.

MR. PRESIDENT: Perhaps I should refer as I did yesterday. It is the order of first to breaks, not interruptions. So I am sorry that I do not count the normal give-and-take.

MR. W. McKEEVA BUSH: That was not the purpose, but I am glad that you explained it. Explain it now. No ... Mr. President, the Member for Communication and Works is saying, "No".

I charge them, and I charge that there was, or there is an unholy, spiteful plan to get rid of Tom Jefferson - to clip his wings as they bragged about.

Let me say, I do not know who they would replace him with. I can only guess. I see the Member for Communication licking his chops (LAUGHTER), smiling. Let them say who was going to be this Member of Government responsible for financial affairs. Who would they replace him with? I can only guess. But let me say that none of them have the international goodwill, none of them have the confidence of the foreign investor which the Honourable Financial Secretary has. And none of them, at this time, have the confidence of our people as that gentleman has.

One man said, and I say too, that I stand with him because he is not an hypocrite. I stand with him, and we, on this side, stand with him. Not me alone. He has integrity, the man is honest, he has backbone and he cannot be used.

I say to our Honourable Financial Secretary, "you hold your head high because the financial sector, the general populace, and the Backbenchers, are behind you. You do not have the name of a ten-per-center. And we are happy for that."

Mr. President, let me say something else. From the day that I entered this House back in November 1984, that Honourable Financial Secretary has always given me good advice, he has led me in the right way and if that man had to caution me as a young Member he did not do it condescendingly. He did not do it with contempt, he did not try to make me look bad in the eyes of a watching world and for this he has my respect. He always uses a statesman-like approach in dealing with me.

All of us know that I am a very enthusiastic Member when it comes to the projects or programmes for my District and projects and programmes for young people. If he had to discourage me in any way, he did it in a manner that was never embarrassing but was always in a statesman like approach. That is what we need in a Financial Secretary.

Another thing I read this morning in that paper, (and I am still waiting to find out who is paying for it), was their attempt to explain the position of responsibility with him. Let me say this, this man is responsible for our financial affairs, that is why you have such a position and this attempt to put the man in a position to vote against his conscience at times by being bound by collective responsibility is a dirty game. You are taking away his position as a mediator and that is what the country is establishing.

We all know what collective responsibility under that Executive Council does is, to provide an effective sanction for Governmental blunders, that is all. I say hold your head high.

Some poems have been read in this House. I want to read not a poem but some words put to music which have been my guiding star for a long time. This says, and I want to apply it and ask him that he remembers it in these trying times:

"Courage brother do not stumble, though thy path be dark as night, there is a star to guide the humble, trust in God and do the right. Yet the road be rough and dreary and it's end far out of sight, foot it bravely, strong or weary, trust in God and do the right. (Pay particular attention to this part) Perish policy and cunning, perish all that fears the light, whether losing, whether winning, trust in God and do the right. Some will hate thee, some will love thee, some will even flatter and some slight. Cease from man and look above thee, trust in God and do the right. Simple rule and safety guiding, inward peace and inward might, star upon our path abiding, trust in God and do the right. Courage brother do not stumble, though thy path be dark as night, there is a star to guide the humble, you trust in God and you do the right."

There is no doubt in our mind as there is no doubt in the minds of eminent educators and lawyers in this country that the composition of Finance Committee is a Constitutional matter, and one of great importance. If it was not a Constitutional matter as some are trying to say, can they explain to me why did the Constitutional Committee which put our present Constitution together, deal with the matter of Finance Committee, if it was only a Standing Order matter, why did our Finance committee in 1972 deal with it?

We must remember, it is a fact in our document from Lord Oxford and Asquith, he, as our Constitutional Adviser, endorsed our view as his Constitutional Report made the recommendation on the membership of Finance Committee.

What is so important, (as a Constitutional matter here) is that the Constitutional Committee did not accept the recommendation of Lord Oxford and Asquith. They did not accept the recommendation for a Committee of four Executive Council Members and three Backbenchers and it is conceivable why the Committee at that time would not accept the recommendation for seven men by Lord Oxford and Asquith because I put it that seven men make up the Government as was the case when in November 1988, seven of us chose the Government.

The point is clear, the four Executive Council Members would choose the three Backbench Members who put them in Executive Council, would use their influence to get them

there as the Mover said so often. He has put it quite adequately, "to the victor goes the spoils," so it is no wonder that our forefathers of this Constitution did not recommend it and did not accept it.

They cannot get away from the fact that this is a Constitutional matter: (1) the Committee discussed it; (2) Lord Oxford and Asquith recommended a certain Finance Committee; and (3) the Constitutional Committee refused his recommendation and chose 12 Elected Members for Finance Committee. That is very clear and there is no getting round it.

What is more important, they chose not 15 men, they choose 12 Elected men and the Member moving the Motion agreed. He must have agreed, (he claims this is for another reason why he is changing it today), but he must have agreed because of the time proven principle and the doctrine of separation of powers that the Executive should not vote the money.

I want to deal with a couple of things briefly. The cry by the Member and by the Executive Members all of them, even though one has not spoken, all of them have spoken publicly on this matter, the reason is, that we have been so destructive; we have been renegades; uncooperative; obstructionists. These are the things they claim that we have been and that is why they need to stack the Finance Committee.

Let me say, I do not know how much they expected of me or how much more they expected of the First Elected Member for Bodden Town. We put them in Executive Council, we decided that there we could not support certain things and we came to a head-on collision on certain matters. When we got to a position that we saw that it was a bad state of affairs in the country, we said, enough of this, we said we are going to sign a document together and this is what that document says:

"We, being duly Elected Members of the Legislative Assembly realise that there is existent a volatile situation which has had its genesis in recent issues. Our Country has always enjoyed political stability through wisdom, the application of good common sense and cordial relationship between all factions. While we have differences of opinions with regard to these issues and while we must have democracy and majority rule, we wish to assure our supporters and the general public that we will not permit these differences to so separate us that it will have adverse effects on our economy.

Therefore, we will not do anything in any way to cause investors to have doubts as to our stability.

We the undersigned pledge to work together for the continued prosperity and betterment of the Cayman Islands."

They got on the platform after that and ripped us apart the same night. They were not looking for cooperation and you know, in thinking back, I often say, well, I gave them that much. We have had meetings, so they had a meeting to have their say. But they went from district to district blaspheming, criticising and making nasty insinuations about the Members who had signed this.

Now, in their meeting the other night, in trying to explain this Motion, do you know what was said? It was said, "that document is not worth the paper it is written on". That is what they said, and that really concerns me, I had to sit down and listen.

These people do not want to be cooperative, they do not want to try to get together, they want to have their way. Because, you have four Members of Executive Council in the Cabinet of this country. Two Members have the Order of the British Empire, the First Elected Member for George Town is also a J.P., and the Member for Education is a Member or has the Order of the British Empire, the Member for Communication is a J.P., and there they stand and tell the world that this meant nothing to them and they were signing it.

I see the Member for Education interrupting, can he speak so that I can understand what he is saying, or use the microphone?

HON. BENSON O. EBANKS: Mr. President, the Member has offered to give way. What I was saying was that we said, "it did not mean anything to them". An example of what was said and the twisting that is being put to that document is that on the day on which that was signed, he and all others who were there were made aware of our intention to go through with the meetings which we had previously scheduled. They agreed that they could expect no less than for us to go through with those meetings, they have not gone to the public previously.

MR. W. McKEEVA BUSH: What was agreed, Mr. President, was that, as I said, they would have that one meeting. Yes, that they would have that one meeting in George Town and we took it that, after that, things would have been left as is. But they went throughout the country after that. That Member for Education leading them in his nasty attacks. They sat there and agreed with us, they agreed with us that they would have that one meeting. We said, "we know you have to have your say, go ahead." We did not agree with them that they would get out there and use the language, the insinuations and the personal attacks that were made. We said, go out and explain Cayman Airways, that was the central issue at the time, instead they got out there and nothing was left that those Members did not say and have been saying ever since that.

So what I am surprised about, is that they would stand there and say what the Member said just now about them saying, it meant nothing to us. That is not true. What they said, (we have it on tape), the document was not worth the paper it was written on. We did not have any, we had

our meetings before, that's the point. Not only that but it went on, it got down to budget time and we sat there after we had had our say and at the end of those five days, this was agreed.

What I am about to read was agreed to by Members that Mr. Truman Bodden the Third Elected Member for George Town would say:

"Mr. Truman Bodden on behalf of Members after the following be recorded; the people, the Cayman Islands and Honourable Members owe a deep gratitude to the Honourable Financial Secretary who has so ably and patiently and in his statesman-like manner presided over a most difficult five days in Finance Committee ending at 10:22 PM, on 20 December 1989. Signed: -The eight Elected Members."

Let me restate that.

"The eight Elected Members and the four Executive Council Members were able to bring about agreement on a budget and avoid much of the confrontation which otherwise may have ensued without the Financial Secretary's wisdom, knowledge and patience."

Here is the most important part,

"We thank God for this achievement which is in the best interests of the Cayman Islands and for the cooperation between all Elected Members which we hope will continue in the future."

What more do they want? Him getting up there and having the last say means nothing. The truth is what matters. We put our signatures on a document and I do not sign anything unless I believe that it can stand the test of time.

What happened? They could not push us in a corner. They could not convince us the Master Ground Transportation Plan, the two-site Hospital, the costly Consultants and the "Jennett T" were the right projects for this country and that is what has broken us up. That is the fundamental issue at hand right now.

They say, "we will stack the Finance Committee" and they will abuse the separation of powers and they will abuse all the understandings, agreement and conventions that has stood the test of time. They do not want cooperation. They want to have their way, and by God (when it is something that is bad for this country the seven of us on this side of the House) we will stand as strong Backbenchers against the bad policies which that Executive Council is trying to put on the people of this country which can only result in taxation, and inflating the cost of living, which our people cannot take anymore. That is what will happen.

We will stand together as a strong Opposition to the policies which are not good for this Country. We heard a lot from the First Elected Member for George Town, that the First Elected Member for Little Cayman and Cayman Brac was the only one on this side that had the country's interests at heart. I take objection to that sort of thing. I had not planned to answer that sort of stuff in this debate, but these are matters that have to be put right. Last year when we came to a head and after they had gotten out there, and had those meetings throughout the districts, I said, "if I can do it, I will remove them". I do not have any qualms about that because I say now, as I said then, if we had acted in one accord, this Country would not be saddled with what we have before us today.

Either the people would have chosen them, or they would have chosen us, but what I was attempting to do was not to have a General Election. What I was attempting to do was to invoke our Constitution by the eight of us on this side moving the four of them.

The First Elected Member for Little Cayman and Cayman Brac, who they claim put country before self, (I went to him because his vote was crucial) and I said, "Captain Mabry, this is the position, you see what has happened? We cannot get along, we need to remove those four men out of Council and the best way for the country to do it is to do it according to our Constitution."

The Member, Captain Mabry Kirkconnell, said to me, "Am I going to be part of the new Executive Council?" And I said, "Uncle, that I cannot guarantee." The next day there was a headline in the paper "Captain Mabry says, Country before self".

I want to say this, that none of them have any more love for this country than any of us. None of them have more love for this country than the seven of us on this side. All of us were born here; we have to live here; we want to see the best for this Country and I add all the time that, "I do not have a green card". I have nowhere else to go. This little rock is my home where the bones of my ancestors rest. This is where I plan to rest also.

So, do not come telling me and speaking condescendingly to me that "you do not have the country's interests at heart." My interest is to see that this country is run right. In all sincerity this country is not being run right, now; there is no order and there is not good Government.

Not only did they sign, and to point this out how those men will not cooperate, do you believe that it is only the seven of us on this side of the House? No, it is the Chamber of Commerce. You heard the Caymanian Compass been ridiculed and criticized about their making defamatory headlines and about bad journalism. You heard that. So it is the Compass, it is the news media, it is the Chamber of Commerce. You heard them trying to malign a young man in the Caymanian Chamber of Commerce. A young

man from my district trying to malign his character and not only his, but the Chamber of Commerce, in trying to say about the legalizing of ganga or dope issue.

That kind of stuff is wrong. So it is not only us that they do not agree with, and cannot work with, but the Chamber of Commerce and the newspapers. They have criticized everybody that says, "what you are doing, are you doing it right? How much is it going to cost? Can the country afford it? Is it what we need?" If they do not agree, those four people over there crucify them as they will try to crucify me in making all kinds of nasty insinuations but I will live. I will live. That is the good that you get.

Let me say this, if someone is confronting our essential liberties and rights; if someone is inflicting injuries and harm upon our people; by God, they can call me a confronter because I am going to confront them.

So the point is, not only the seven of us on this side and sometimes the First Elected Member for Cayman Brac and Little Cayman, but the whole Country they will ridicule. They will disagree with and they will do it in the strongest way possible and malign their character and everything else. They have torn up some of the young people in this country who have written letters to the press. One which is very important (they are all important) but I want to read this letter to the Caymanian Compass. It is so pertinent to what we are doing here today. I quote:

"We would like to add our strongest objections to the motion currently before the House, which seeks to amend the composition of Finance Committee. We are alarmed at the gravity of this proposal and the dangerous precedent it will set, should it be adopted.

We see increased politicizing of the Civil Service as an inevitable outcome of this change. The three Ex-Officio Members of the Legislature have thus far successfully walked the tenuous line between the political nature of their jobs while at the same time giving the appearance of transcending politics - a necessary paradox.

We contend that the placing of the three Ex-Officio Members on the Finance Committee will dangerously illuminate their political roles. A simple hypothesis demonstrates the point: A vote either way by Ex-Officio Members in Finance Committee between boat launching ramps in East End and street lights in West Bay will be seen by the populace as political. This elevated political role will increase the Ex-Officio Members' vulnerability (and by extension the entire Civil Service) to political and demagoguery attacks. That is, the shield of collective responsibility will be less protective.

We have already been reminded that the Ex-Officio Members are not accountable to the electorate. The danger of this state of affairs is that it may provide a populace platform for those seeking far reaching changes to our present political system. We feel strongly that the continued stability and sensible development of our political structure depends on the continued public political aloofness of the three Ex-Officio members. Finance Committee membership makes this aloofness impossible.

Clearly, one of the political dangers of this Motion is that it could increase the undercurrent pressure for a premature Constitutional advancement. Caymanians generally are contented with the country's constitutional status and a principle factor in that sense of contentment is the knowledge that the Finance Committee - the country's purse strings - was composed exclusively of their Elected representatives. (the Honourable Financial Secretary as Chairman gave only technical advice and held a casting vote only). A Finance Committee of the Legislature composed only of Elected representatives gave the Caymanian people a sense of control over their affairs which in turn made colonial status more palatable and acceptable.

Indeed it was this sense of control which singularly arrested the pressures of the 1960's for premature Constitutional advancement. If as a consequence of the restructuring Finance Committee, as proposed by Executive Council, that sense of control is depreciated, what is to prevent the build up of political resentment in our body politics and perhaps another pre-mature march for Constitutional advancement, this time unchecked by that sense of control? The short and long term political ramifications of this proposal are very far reaching.

One of the justifications given for bringing the Motion is Lord Asquith and Oxford's proposal that Finance Committee should consist of four elected Executive Council Members and three Backbenchers. This proposal may have been politically expedient, but was intrinsically flawed because it would have made Finance Committee a mere rubber stamp, thus removing one of the checks and balances in our system.

We are left to believe that Lord Asquith and Oxford's recommendation was made from the context of a political party system where the party with a majority in Parliament naturally would have a majority on Parliamentary Committees, including the Finance Committee. Ours is not a party system, therefore, the old political adage that the opposition may have its say, but the Government must have its way is valid only to the extent that the Government has an elected majority. If the Government does not have a majority, it cannot and should not expect to have its way."

Mr. President, is it not fundamental to what is happening here today? I go on to read, Sir, and I quote;

"Indeed, a Finance Committee comprised solely of elected Members provides the only arena in our system where the Government's policies have to meet the supreme parliamentary test: **** affirmation or rejection by a majority of Elected representatives; that is the way it should be, anything else is not true democracy.

Another justification given for bringing the Motion is that the Ex-Officio Member responsible for the Sister Islands does not sit in Finance Committee. The implication is that the Sister Islands are not adequately represented (we don't believe this to be the case). We suggest that His Excellency the Governor move forthwith to place District Administration under the portfolio of an Elected Executive Council Member who does sit in Finance Committee.

During the debate on this Motion, Jamaica, Trinidad, Bermuda, Bahamas, and the United Kingdom were cited as examples where appointed people to the Senate or House of Lords serve in Cabinets and have spending authority.

This argument, however, does not stand the test of close scrutiny: the appointed ministers in all of the above countries are appointed by and serve at the pleasures of Prime Ministers and Premiers who are themselves accountable to the people. In contrast, the appointed Members of Cayman's Parliament are not accountable to an elected person (such as a Prime Minister); instead, they are accountable and serve at the pleasure of an appointed Governor.

The real genius of our present parliamentary framework is that it forces a spirit of compromise and cooperation, or it doesn't work."

That will get them round the position and get them away from the excuse that Cayman Brac and Little Cayman do not have a Member. Isn't that the truth, Mr. President? That is the essence of the whole thing, now I go on to read:

"In a party system, the governing party or coalition, because of its majority, has absolute control and thus has no propensity to work out compromises. In contrast, it is mostly through the compromise process and the need to achieve broad based acceptance of proposals and policies that we get the best workable solutions. We see this as one of the strengths of our system, one which would be diminished by the proposed restructuring of Finance Committee.

We do not see this Motion as being the solution to alleged Back-bench obstructionism, unreasonableness, and inconsistencies. All Elected Members were chosen by the electorate and it is the electorate who will sooner or later pass judgement on Elected Members' stewardships."

["And that is what I am saying, that is the same thing that I have been saying. Let the people be the judge"].

"This Motion in effect says that the majority of the electorate made incorrect decisions at the last election; that is presumptuous. We cannot subscribe to the theory that the electorate needs to be protected from itself, as this Motion seeks to do.

Democratic Government must be by the people, of the people, and for the people. This Motion violates this fundamental principle. Therefore, we call on our Elected representatives to take a stand for democracy and Cayman. We call for rejection of this Motion.

In putting forth the Government's reasons for this Motion and the alternatives which

Government had to deal with the current political impasse, we believe Mr. Benson Ebanks overlooked the solutions which would have been in the best interest of the country: dialogue and compromise. It may be the most difficult approach for the politicians, but it is the least disruptive for our country at this point in time. Indeed, we believe that leadership and statesmanship are the answers to the current political problems, not time consuming parliamentary maneuvering.

We, therefore, call on Government to withdraw this Motion and instead we are calling for a pow wow (of sorts) involving all the Elected Members, to be cochaired by such elder statesmen and community leaders like Mr. Vassell Johnson, Mr. Warren Conolly, and Mr. Arthur Hunter. The purpose of this "summit" would be to reach broad understandings on national goals and objectives for our country. We do not expect this to eliminate completely the tensions between the Government and the Backbench, but it should bring those tensions down to an acceptable and rational level.

Caymanian Civic Awareness Group."

All of these people, are young people in our country. Sound people who have responsible jobs, who have businesses, who have college and university education. When you get a letter of this magnitude from that background, that says something is wrong.

I want to read another letter and I do this at the risk of knowing that this young man has already been maligned and probably will be again. I wish to comment.....

MR. PRESIDENT: Excuse me a moment, perhaps if it is a long letter we should take the lunch break. Proceedings are suspended until 2:15.

AT 12:44 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:28 P.M.

MR. PRESIDENT: Proceedings of the House are resumed, the First Elected Member for West Bay continuing.

MR. W. McKEEVA BUSH: Mr. President, on taking the break, I was going to read the letters to show the public's concern and to show that Executive Council is not only at odds with the seven Backbenchers but with major groups in this country. I want to go on, to read a letter from a young man in West Bay who wrote a letter to the Compass, printed on Friday and it reads:

"I wish to comment on the remarks made by the Hon. Benson Ebanks in forwarding the motion to reject the Standing Orders Committee's Report, which recommended that the motion to place Official Members on Finance Committee be rejected.

Mr. Ebanks presented the case that refusing to place Official Members on Finance Committee is in effect rejecting the office of Official Members, and therefore, a rejection of our ties to the United Kingdom. This argument is totally unfounded. Refusing to place Official Members on Finance Committee simply seeks to keep the control of the country's finances exactly where they should be, in the hands of the Elected Members.

Mr. Ebanks also spoke on how quickly our economy can disintegrate, leaving us to live on breadfruit and fish. He should come to grips with the fact that it is his motion which threatens not to simply divide, but to infuriate the people of this country, potentially leading to unprecedented display of civil unrest.

Mr. Ebanks pointed out that of the three legislative stages which the Budget goes through, the Official Members are involved in two stages. He then argued that since they are involved in two stages, they should also be involved in the third stage. I disagree entirely. The third stage, which happens to be the Finance Committee, serves to keep in place a system of division of power and checks and balances, which is an integral part of any democratic system. Any attempt to remove or alter this system of checks and balances is an attempt to destroy our democratic system."

Mr. President, of course this young man has been criticised also. He headed up a Committee called Citizens Against Motion 3/90 and they held a public meeting in George Town which was bigger than the public meeting held by the four Members of Executive Council when they went out to explain this Motion.

People from all walks of life from this Island were there. And in support, not just listening, but in support of the Petition those citizens are taking around.

To show again how people are against this Motion, not just the Backbenchers, I would like to read the letter from the Chamber of Commerce. Of course the Chamber of Commerce has been maligned in this Chamber where they cannot answer for themselves. I read:

"Our membership has expressed concern regarding the proposed Government motion to revise the composition of the Finance Committee and to open up its debate to public scrutiny.

We welcome the latter and feel that it is a significant milestone in the interest of open government. We congratulate the Executive Council for their sensitivity to the public need to be informed of the full activities of its Government.

However, we are very disturbed by the possible dangers inherent in the expansion of Finance Committee to include the Official Members. For over a generation, Finance Committee has consisted entirely of Elected Members of the Assembly with the Financial Secretary presiding, and in our view, this has always worked well. Indeed, we support this concept, as the finances of Government should be regulated by those accountable to the electorate. This is one of the necessary checks and balances which is built into our Standing Orders.

We would have no argument with the Official Members being allowed to defend their respective Portfolio's draft Budgets before the Finance Committee. Those Officials should, as a matter of courtesy be invited to do so, and their occasional presence is not forbidden by the Committee's rules."

And, Mr. President, the Members over there under our Standing Orders are required to come forth anytime they are needed. And they do come and explain their position. I go on to read in that letter, Sir:

"One of the principal dangers we see is that Exco is bound by collective responsibility. This in effect means that a proposal to Finance Committee would block the vote of seven, leaving it only necessary to obtain one more vote for the approval of a measure. Indeed, if a member of the Committee is absent, the block vote itself would be sufficient to pass the measure.

The proposed change in composition results in the ability to pass a Government financial measure that is opposed by the majority of Elected Members.

We believe that an integral part of democracy involves Government's justification of its proposed expenditures. The present composition of Finance Committee insures that this is so. Such checks and balances are a cornerstone of a democratic Government.

While we fully support the Government Motion to make the deliberations of Finance Committee open to the public, we strongly urge the withdrawal of the proposal to expand the composition of the Committee. We urge all Elected Members to seriously consider this matter and work together in its resolution.

The Cayman Islands Chamber of Commerce."

Mr. President, as I said they have been criticised, they have been maligned just because they opposed Government, the same as Government does with the Backbenchers malign us, criticise us when they cannot have their way. I want to read now, a letter from the Young Caymanian Businessmens Association, another young group of people who have businesses who are concerned, who are involved, who are educated and they are also criticised.

"The Young Caymanian Businessmen Association wishes to express its concern over the upcoming Government Motion seeking to amend Standing Orders in order to convert the Finance Committee from a Committee of all Elected Members, chaired by the Financial Secretary to a Committee of the whole House, chaired by the President, His Excellency the Governor.

This Motion does not conform to the principles of a responsible democratic Government. Instead, it seeks to enhance the role of the Governor and Official Members in political matters, rather than reducing it.

It is our opinion that the framers of the existing Constitution and related procedures in

considering the checks and balances that are required to ensure that the fundamental principles of a democratic system remain in place, set up the Finance Committee as a watchdog for the use of public funds, that ultimately the people's representatives and they alone would make the final decision by majority vote on how, when and where public funds would be spent. The reasons are so obvious and basic that any attempt by intelligent well-meaning Caymanians to change them must surely be cause for alarm and concern.

One of the fundamental principles of our democratic system of government is the separation of powers; namely the Executive, the Judicial and the Legislature. Again, this Motion if passed will erode the advances which we have made in this area. The role of the Executive and the Judicial are to carry out policy and to interpret laws, respectively. The determination of policy and the passing of laws is the domain of the Legislative Assembly, which we feel should consist of Elected Members only.

The proposed Motion comes at a time when we should be exploring avenues for constitutional improvements aimed at enhancing the participation of the electorate and the accountability of Elected Officials.

While the Association therefore welcomes the proposal to open the deliberations of Finance Committee to the public, this forward step would be negated by the proposed reconstitution of the Committee.

Our ultimate goal should be to have the Legislative Assembly made up of elected members only. Instead, this motion is seeking the re-introduction of the system by which non-elected members are approving and expending public funds while having no direct accountability to the voting public.

We are of the firm belief that if the Government is unable to implement its policies within the present system, then it should sincerely address why those policies are not receiving support."

[That bears repetition].

"We are of the firm belief that if the Government is unable to implement its policies within the present system, then it should sincerely address why those policies are not receiving support.

If it is unable to find the answers, and address them, then a mandate should be sought from the people by calling new elections.

While there is merit in having the deliberations of Finance Committee open to the public, we emphatically reject the inclusion of non-elected (Official) Members in Finance Committee, and hence this motion in its present form.

Young Caymanian Businessmen Association."

Now, the Caymanian Bar Association also wrote a letter and of course received criticism, severe criticism in the attacks of the Members of Executive Council that have spoken so far and is likely to get the same from the Member who will surely follow me.

I have read these letters to show that there is concern out there in the public; That the people do not just sit down and write these letters just off hand. There must be something to motivate them. And it is their care, their concern for this country and the way it is going. I read the letters also to show that there are other people in opposition, major groups, individuals and so on in opposition and that Executive Council has criticized and maligned them.

We heard here the other day, the cry from the Member for Communication, the First Member for George Town and also the Member moving the Motion, saying that our people are misinformed and mislead and incapable of understanding the meaning of the Motion.

What are they doing? These three Honourable men standing in here, are trying to discredit the intelligence of citizens who are exercising their Constitutional rights, simply because these citizens do not support Motion 3/90 which they are proposing. What they do not realize, and I quote from what one of the Members said at the public meeting the other night, one of the members of public I am speaking about, "what they do not realize is that their continued criticism and verbal abuse only serves to further infuriate and anger the Caymanian people", this was Troy Leacock speaking at a meeting the other night. One philosopher who wrote on Life, Power and Government said, "no matter how noble the objectives of a Government if it breeds ill will and suspicion, it is an evil Government.

Another writer who focused on moral issues said, "in order to obtain and hold power a man must love it thus the effort to get it is not likely to be coupled with goodness but with the opposite qualities of pride, craft and cruelty". Abraham Lincoln said, "A universal feeling whether ill or well formed cannot be safely disregarded". I say to our people, take heart, take courage, I know that they are with us

and the seven on this side are with them and together we will stand as a firm Opposition against this present Executive Council who are eroding their rights.

We hear of how they were attacked by the Member for Education, and the Member for Communication and Works the other day. They cry and made an issue of people not standing in the Gallery when the Governor arrives in the Chamber. I do not know if this happened, but it could be that these people might not know they had to, since this is probably the first time that some of them were in the Gallery. If that happened I will apologise on their behalf. I do not think they meant any disrespect to it, they just did not know.

What it shows is, that those four Members of Executive Council like to get up and criticise the public, our people, the Caymanian Compass, the Bar Association, and the Chamber of Commerce. What it shows is that they are doing something wrong. Why are our people showing up in the numbers that they are doing in this Legislative Assembly, these last couple of weeks.

Fifty million Frenchmen cannot be wrong, those four men out there cannot be right all the time. They cannot be right all the time with all this many people voicing strong objections. There has got to be something wrong with them. Why must it be something wrong with everybody else but nothing wrong with them? You mean to say they were born perfect?

Now I am coming close to winding up. I want to speak on this matter of stability for a minute. There has been much talk by Executive Council about power. I will say again, this has nothing to do with power as far as I am concerned. It has to do with the abuse of their power. That is what it is all about.

If I had wanted to be in Executive Council, I would have taken the nomination and went there. I could have gotten there but I gave them my trust, they broke it, then kicked me in the head, and afterwards they ran around telling people? "It should have been my head smashed up instead of my car," and then tell people to, "give me strychnine". How can you work with these kind of people?

There is much talk about political stability. May I say that our approach to this thing is not really, 'who would win an election', or who would lose an election, it rests on other things. As I said, it is about public order, public faith and good Government which the Governor has responsibility for.

May I say that the greatest threat to stability is a weakening of democratic rule. The greatest threat to our stability is the present Executive Council because it is them, who flout the greatest principle of democracy. That is Parliamentary rule by Parliamentary majority, to try to stack Finance Committee with people who are bound to support them by the Constitution and can only lead to a weakening of stability.

We want a situation in this Country which would give a majority of people a feeling that they are secure, that their democratic rights are not being trampled upon. We want to give them the feeling that their Elected Representatives are not hampered in their duty. Unless there is a feeling of security, that of accepting the Government of the day, there is bound to be instability and they are causing it and that instability cannot be removed by stacking a Committee, which deals with money.

If there is instability it means that the prerequisite for economic progress will be lacking. This country cannot really progress economically if it is socially and politically unstable and this is what they are causing and this is what I am talking about, public faith, public order and good Government. Where is it? Instability, promises on an unwillingness on the part of the general public to accept measures or action taken by Government as in this Executive Council's move on Finance Committee. The people are not persuaded that where the Government is going is right, or what they are doing is right. So they want stability, they want to restore order, they want to give our people the feeling of security.

If they want to stop this unrest, withdraw the Motion. Withdraw the Motion, do not get up in this House and talk about; we are not working with them. As I have said, how much more can we work with them?

In the Newstar magazine with an interview of the four Elected Members of Executive Council, the Member for Communication and Works said:

"We are doing the proper studies to back up what we are saying, our major problem is that we are meeting with a lot of obstruction."

Yes, we have obstructed his Master Ground Transportation Plan and by the way, one of our citizens has called the Master Ground Transportation Plan the mighty guillotine on taxpayer's pockets. We have objected to this in its present form even though some of us might have had some support for it in the early days. We wanted to see a Plan. But I realise it was pushing a certain issue and, I know what is going on out there.

I know that the companies are being formed, I know that there is equipment being bought up to do the road work. I know that there is permission for quarries being given and all that sort of thing. I am not going to adhere to pressure by that Executive Council to put money in anybody's pocket behind the backs of my people, I will not do it. That is exactly what that Master Ground Transportation Plan will do and this is exactly what he is going to do if that Member gets his way with the Finance Committee. Because it is this that we have rejected, the Master Ground Transportation Plan. It is this, the Westshore Centre Post Office that we have rejected.

I say again, putting those civil servants on Finance Committee is leaving the door open for corruption to walk in. Do not let it happen. You heard also that: we are not working with them'. Let me tell you of the projects that we have worked with them and agreed with them on which they have

gained our support:

- 1) The cargo distribution centre for the Port Authority;
- 2) Classrooms for West Bay School;
- 3) A Guarantee for the Cayman Islands Museum;
- 4) The Immigration Building;
- 5) The Port Authority Building;
- 6) The Radio Station Building;
- 7) The Education Review;
- 8) The new Communication Equipment Building;
- 9) The Community College and road access to the Community College;
- 10) New Post Office Building; and
- 11) The Motorola Communications Equipment Contract for over two million dollars.

Do not tell me they do not have our support. We supported them, and this is just some of them. I have the list I am going to give them later on. What we will not support, and I am not going to support is bringing people into this Country who claim to be experts in the field of Hospitals; when they do not know anything about it and who have a bad reputation and cannot get any good credit references.

I am not going to support that. I want to see a Hospital, yes, but it has got to be something done properly. When you have your doctors and your country saying no to what this Member is proposing, I mean he has not worked with them. Well I will leave that debate, because the Motion is on the floor to deal with that matter. I would suffice it to say that we are not supporting that motion the way he has it, and we are not going to support the Master Ground Transportation Plan, not the way the Member has it.

We have worked with them, what more can we do? So why do they want to change Finance Committee? To push these things through? That can be the only logical conclusion, no Law in any country can work without the consent of the people and the people are against Executive Council. They are against them the majority and if they think not, they can test the waters. Be a man, test the waters!

I object to this Motion for the waste of time it has caused and it will further cause in this country. I object because the Motion is seeking to set up this Committee with all seven Members of Executive Council being a quorum. They can form the quorum, they can come in, just say something happens that we might not be able to be here, that has happened in the past. The Member for Health took a little scrap of paper out, called Finance Committee and tried to push it through. The Financial Secretary kept the status quo, that is the only thing that saved us at that time. He thought they were bragging, "I am going to fix him, I know what I am going to do, I am going to clip his wings."

I object to that aspect of it and I go further to say that not only the seven of them form the quorum. It is necessary that Elected Members and two Official Members with the First Member for Cayman Brac can make up the quorum.

How democratic can this be when it comes to the finances of the Country! Gladstone said:

"It is ultimately associated with the liberties of the country, it is the powerful leverage by which English liberty has been gradually acquired."

I say too that the voting of Public finances is the fundamental right, it is a fundamental English liberty for their Elected representatives which should not be changed. If Executive Council want the official advice on their Portfolios, that is already provided for. That could not be objectionable.

But to stack it where they can use those Official Members to vote money for their policies like the Master Ground Transportation Plan, is another matter. It is totally out of order. What is the road?

In summing up, I object to this move. I object to Official Members who are Controlling Officers in their Portfolios coming into Finance Committee and voting the money which they are supposed to control.

I point out that the Governor has a responsibility for peace, order and good Government and that is not the order we have today.

I point out our willingness to cooperate by the Peace Accord that was signed last year, that the statement that we allowed the Third Elected Member from George Town to make on behalf of all of us, not seven or two or three, but all the Elected Members in Finance Committee in December.

I point out and I trust that you are taking note of this and that

you will speak to the Governor on this matter, that membership of the Finance Committee is a Constitutional matter. It must be because the Finance Committee was dealt with by the Constitutional Committee, it was dealt with by Lord Oxford and Lord Asquith who made the recommendations for our Committee. It has to be bound up together in the Constitution, it has to be a Constitutional matter and I trust that you, as Presiding Officer, will take the matter to the Governor.

I point out that this Motion is a severe contravention of practice and conventions of the Westminster form of Government. I point out that this Motion is the abandoning of the doctrine of the separation of powers and that is serious, it could lead to other things.

I point out that this is political cannibalism where one Member is sacrificed to suit the wishes of the Elected Executive Council. I point out that this has caused, (and was brought about by them), a complete disregard for the wishes of the electorate. I point out that it is an erosion of the principles of Parliamentary democracy.

This is a strong case against those four men over there, the strongest that has ever been made against four Members in our Country. What is the road? They must do two things, they must consent to a Referendum on this matter; Take it to the public and see whether they are right if they do not fear the public or if they think they have a majority of support out there.

We have a responsibility to our people, we are not mere delegates as the Member moving the Motion would like you to believe. We are sent here, we must do our duty but we must listen when the public says, "no". I say again, if our public say resign, a majority, I think that we should. It is them that put us here. They are the supreme constitutional authority, so let them test themselves and test us by this Referendum, that is one.

Or else, I say that the Governor, (in the face of the Magna Carta, the Bill of Rights and all the authorities that have been put to the Presiding Officer in this House and in the face of our own Constitutional Order which talks about public faith, order and good Government), must consider the general election. Or the next thing is those four men should kindly walk over here and let us begin anew without causing any severe disruption in the Country by a general election. That is provided for.

Do not tell me I must resign! If you want to resign, go ahead, come over here, let us test the waters. It is your Motion, it is Executive Council's Motion that is being tested today, not mine.

So they have three roads to go. Which one are they going to take? In the face of everything that has gone against them, are they going to just satisfy themselves with the vote of one Member on their side, knowing full well that they do not have a majority. They cannot fight the public, they might win this battle, but the war is not won.

I believe that those Official Members should be made to vote their conscience. This is a Constitutional matter. Deeper than that, you are forcing them to vote themselves in a position after they are Controlling Officers of the money in their Portfolios to come in and vote for it. That has to have some ground, some bearing on this whole thing. Let them vote their conscience.

I have pointed out several hard points which go against those Members of Executive Council. Every authority on the matter has been read and every one of those authorities say that Executive Council has no case. If they took their case further to our highest Court, the Privy Council, the wise men of that body would have to rule against them. They could not hold up their case as being good in Law, good in principle, or good in convention. They could not hold it up as being even morally sound.

I reject this Resolution and I pray that the Member from Cayman Brac will have a change of heart or that the Governor will have a change of heart and allow the Official Members to vote their conscience or abstain since it is a Constitutional matter.

I have put my case forward, I believe that it could stand the test of time. I believe that it could stand the sanctioning of the Privy Council if it was necessary.

MR. PRESIDENT:

Would Members just check that their microphones are off please, thank you. I thought I heard a banging noise, it may have been me. Would any Member wish to speak, the Honourable Member for Health?

HON. D. EZZARD MILLER:

Mr. President, I support the Motion moved by the Honourable Member of Executive Council responsible for Education to reject the Report of the Standing Orders Committee, as tabled in this Honourable House some days ago.

Now, in rejecting the Report of the Standing Orders Committee, one has to look at what Government Motion No. 3/90 deals with and that Motion deals with the changes in the Standing Orders that relate to the make-up of Finance Committee. The only changes which Government Motion 3/90 seeks to do are as follows; It first seeks to make the proceedings of Finance Committee public, secondly, it seeks to increase the number of Finance Committee from 12 to 15.

It purports to achieve that by adding the two Official Members - the Honourable Assistant Secretary and the Honourable Attorney General- and making the Financial Secretary a full Member of the Committee with the same privileges, responsibilities and authority as all other Members on the Committee.

Also, the placing of the President of this Honourable House as Chairman of Finance Committee. As is the case with all other Bills that are brought before this Assembly to be passed into Law.

It must be emphasized that in spite of all that has been said in opposing this Motion, that this Motion does not change any of the Standing Orders which govern the procedure and the functioning of Finance Committee. All of the safeguards that presently exist in the Standing Orders in

relation to the procedure in Finance Committee remain intact and not one letter or word is being changed in those Standing Orders.

It must be made quite clear that the 1972 Constitutional Order, under which this House operates and this Government functions, provides for the changing of Standing Orders as is being done in this Motion.

This Motion makes no changes and has no bearing, actually, on that Constitutional Order. All of the provisions of the Constitution with regard to the powers of the Governor to change and delegate responsibilities to Members of Executive Council remain as they are and as they were prior to this Motion. That is covered in section 9(1) of the Constitution. It says:

"9 (1) Subject to any instructions given to him by Her Majesty through a Secretary of State, the Governor acting in his discretion shall to the extent that he deems appropriate, charge Members of Executive Council with responsibility for any business of the Government (other than a matter mentioned in section 7(1)(c) of this Constitution) or any Department of the Government.

(2) It shall be the duty of the member so charged with responsibility to act in the exercise thereof in accordance with the policies of the Government as decided in the Council and in accordance with the principles of collective responsibility, and support in the Legislative Assembly any measure decided upon into the Council, unless he has received the prior permission of the Governor to act otherwise or not to support such a measure."

Now, nothing in that is being changed and I guess this is as good a place as any to deal with the issue raised by the last speaker, the First Elected Member for West Bay, in terms of what the draft Motion said, and what it did not say.

We do not deny that there was more than one draft of this Motion or that one of the drafts said that. But it must be pointed out that what the draft Motion said, in referring to the Member responsible for Finance was legally correct in terms of the way it is described in the Constitution. The Constitution does not specifically specify the Financial Secretary as being the Member responsible for Finance. In section 9(1) the Governor decides who and what he delegates to each Member.

I would add that those changes in that draft were made at the request of the Honourable Financial Secretary because he was more comfortable with that wording in our discussion of the Motion.

There were only two copies of that draft. That was not even drafted on the Government computers. One was held by the Honourable Member for Tourism and one by the Honourable Financial Secretary. One wonders who in their Portfolios, or which Portfolio would have had access and mailed it out? But I leave that for the two Honourable Members to deal with as I am certain they will do.

For the opponents of this Motion, to purport that it does dilute the authority of any Member of Executive Council, this Motion does not change any of the authority or responsibility of any Member of Executive Council. The subjects and the responsibility remain the same as delegated by his Excellency the Governor in November, 1988, save the changes he has made recently with the Portfolio of Environment, Education, Recreation and Culture and Communication Works and Natural Resources.

It should be noted that those changes were made by the Governor and published in the Gazette. They were not made by any amendment to Standing Orders.

So these people must stop misconstruing the facts and misleading the people of this country. I am just mispronouncing these words so that the Member for West Bay can feel happy with his uneducated stance, so he does not feel alone. He made a big deal the other day because I mispronounced one word, so I am just keeping him happy. You noticed he is laughing and smiling.

This same Constitution Order under section 31, which enables the development and establishment of Standing Orders, which shall govern the orderly conduct of the business of this House. That section of the Constitution authorizes completely what we are doing in this Motion, that the Standing Orders can be changed, it can be revoked by a decision of Parliament.

Just for information, (because I do not think some of the Members who have opposed this Motion took the time to read that section of the Constitution), because they could not have got into these great deliberations on the Constitutional change that this Motion was bringing about and that says:

"31(1) Subject to the provisions of this Constitution and of any instructions under Her Majesty's Sign Manual or 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 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.

(2) The first Standing Orders of the Assembly shall, subject to the provisions of this Constitution, be the Standing Orders of the Legislative Assembly constituted by the Order of 1965 as in force immediately before the appointed day, with such

adaptations and modifications as may be necessary, and those Standing Orders may be amended or revoked by Standing Orders made under the last foregoing subsection."

So, we are not interfering with the Constitution we are simply doing what the Constitution enables Parliament to do. So all this political rhetoric we have heard is unnecessary because any good Executive changes Standing Orders to suit changing times to allow improved and better management of the Government and the beautiful Cayman Islands to continue our prosperity and high and successful life-style that we now enjoy.

MR. PRESIDENT:

We will take the break. Proceedings are suspended for fifteen

minutes.

AT 3:23 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 4:06 P.M.

MR. PRESIDENT:

Proceedings of the House are resumed, the Honourable

Member for Health continuing.

HON. D. EZZARD MILLER:

Mr. President, the Mover of this Motion, the Honourable Member for Education has quite clearly presented the facts and the effects this Motion would have on Standing Orders and he has quite rightly pointed out that all of the Standing Orders which deal with the financial procedure remain intact. That is all of those Standing Orders under the title Financial Procedure and numbered 63 - 68 still apply.

In those Standing Orders are where the safeguards, the checks and the balances are provided. We have heard a lot about the Budget that was supposedly negotiated in December but I think that that is begging for the meaning of the word "negotiation" when one takes what went on in those five days as negotiations.

I think it was nearer to boisterous intimidation and being reminded in almost every sentence that they had the majority of the votes, but I will deal with that report on what happened a little later on because; I have a well respected legal opinion to which I shall refer, that indicates that most of what was done, if not all, was illegal.

Now, these safeguards in the Standing Orders under Financial Procedure are being left intact. They are as they have always been, safe, we are adding the provision that it must now be done in public.

The biggest reason for that is that certainly if the deliberations of Finance Committee are held in public it will provide better decorum and more order because it will carry the additional safeguard in that the proceedings will be recorded verbatim and Members will no longer be able to claim to have said something and it cannot be proven. Because, under the present system only the decisions of Finance Committee are reported to open House, deliberations are not recorded.

The public can sit in the Gallery if they so desire and watch the proceedings, the Press can attend and report on it so that the public will be much better informed as to what is happening in this Country.

I believe that, it is all for the better. The accusation was made that I have pulled things out of my back pocket and tried to ram them through Finance Committee, but certainly that applies, (and records will show), to the Backbenchers more than it does to me.

We had a recent experience where we were asked to provide \$70,000 for some fly-by-night scheme by some politician in one constituency which he told them, "Now ladies and gentlemen we are going to have elections, I am president. Can we have nominations for vice-president?" They wanted us to provide \$70,000 out of Government's Treasury for the programme.

We cannot give that kind of commitment, but they tell you that they are the protectors of the public financing. I intend, (and it is my submission that the records of the deliberations in Finance Committee will prove that they are not protectors), they are the spenders of public funds, and one only has to refer to the Minutes in Finance Committee and that will become quite obvious.

They have made a big deal that this Government is in a minority position. The numbers and structure of this Honourable Assembly are provided for in section 17 of the Constitution and that reads:

"17. (1) There shall be a Legislative Assembly for the Islands.

(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 the 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 enforced in the Islands."

It is quite clear that this House is Constituted of 15 Members. Not 12 Elected Members, but 15 Members, 12 Elected and three Official. Eight is a majority of 15 any how you count it.

We are dealing with the present Constitution, not "somewhere", where they want to take us as we heard them read a while ago, quotations from the Young Businessmen's Association's letter, that we must replace the Official Members in Parliament with Elected Members; or the Motion for Constitutional Review that was circulated in May.

The fact is that now we have 12 Elected Members and three Official Members and the 15 Members are full Members of this Assembly.

They might not like it but that is what it is. It is interesting to hear them beg and plead with you as President of this Assembly, to talk to the Governor, to call an election. Those same Members who, in November, 1989, (and to be specific Monday 6th of November, 1989), during the presentation of the Ballot Box by a former Governor Mr. Russell, chastised the Governor for asking members of the public and took that particular opportunity because they know that the Governor was not in a position to reply or to rebut what they said. These are the official records of that presentation and I quote from a speech by Mr. W. McKeever Bush and it says:

"It is sufficient, however, to say that we will not allow any person or persons because of their dislikes for those whom the people choose to elect to agitate what has been normal and is the bulwark of our democratic system. The right to disagree, the right to change whom we do not want by the ballot and the right to do it in the time required by the Constitutional Order of this territory. Any departure from these rights at any given time, developing Parliamentary Government will certainly meet with the strongest objections and the appropriate measures through the correct channels at the very highest level of authority for a territory of the United Kingdom."

These are the same people who are now lamenting their cause that they are in a majority, they must control the Government and you have no choice but to intervene as Governor and call general elections.

They say that they did not want to be extension cords. They vacillate so much in their positions on any subject that they could not even be good extension cords because they would control the positive and the negative and not let the electric current flow. We proved that earlier on this year when one shorted out and quit.

I know he has challenged me that he is going to run in my constituency, I welcome him, that is his democratic right. But it was not me that spoke immediately after him and said; that his resignation challenged me to higher heights. It was not me who the Member in Bodden Town said; he expected to talk to him and try to keep him on, encourage him to stay on and did not do it.' It was his cohort, the First Elected Member for Bodden Town he was talking about, not me.

This big deal they are making, (about the Government being at odds with certain political groups in the country), that is nothing new. Those groups, those people, have never supported me politically, and they have never supported any programmes I have put forward. They have not supported the present Government and they did not support two of them who ran on a political platform with us and then betrayed the people who worked with them by going and joining the others to form their so called majority.

So their present opposition to what the Government is doing is nothing new to me. I expect no different from them, that is their democratic right and I will always fight to preserve that right for them to criticize me or anybody else they do not support politically.

But I can listen to them, I stand up and I argue with them, but I do not have to let them dictate to me to do something against my conscience. Nor do I have to cower to them simply in the hope of getting their political support some time in the future.

It is not only me that has stood in these hallowed Chambers and criticized the Chamber of Commerce, the world knows the present hierarchy in the Chamber of Commerce do not support me. No big thing! I do not support them either.

If they had eight votes, they would take us out of office and that is what the Constitution provides and when they get the eight votes they can vote me out but I am not going to quit because of their boisterous debates. No, they cannot intimidate me, they can beat me but they cannot bluff me.

What has been the charge of those who have opposed this Motion? They have tried to convince the public through their emotionalism that we are demoting the Financial

Secretary and we are doing to a Caymanian what no other Government would do. They themselves destroyed their own argument in that respect because they tell you that he has being tried and convicted, but then they tell you that he has not been accused and in any justice system before you can be tried and convicted, you have to first be accused. I agree with that position, we have not accused the Financial Secretary of anything nor are we convicting him. But wait until next week.

If and when that same Member has to bring revenue measures that in his judgement, in his respected intelligence needs to be put in place to continue the balanced financial budget of this country, I wonder how many of them are going to be heaping accolades on him then and telling him, "Yes Mr. Financial Secretary, we agree with you, we need these revenue measures, because after all we took \$6 million out of the Budget and spent it on our pet projects and we are going to support you, the Elected Members of Council are going to support you". I wonder, and time will tell how many of them are going to support him.

This argument cannot hold water, they had a hundred people in the Gallery, they had dozens of them out there holding up placards. Now they have resorted to simply sticking them in the ground, because the people are finding out that what the Government is doing is not creating the monster that they have told them they are doing.

They are making a big deal out of testing it with Referendum, again they are misleading the public. They know when they are saying that, that there is absolutely no facilities, no Referendum Law in this country under which to conduct a Referendum. But they are trying to make people believe that they could conduct a Referendum.

The memories of the citizens of this country are not so short and they still remember what happened to some who criticized certain people when they were on the Government Bench, who are now on the Backbench talking about, "we should have all this communication and we should test the public waters and we should consult the public."

Their claim that we are demoting the Financial Secretary, they are just leaning on that so as to emotionally whip up the people. We heard about the meeting they had Thursday night, the only thing they did not call for was a riot that night. The interesting thing is that you hear them quoting the Members speaking. Each one of them waited there patiently until the student from; 'Kalamazoo' came with his type written speeches and while that wonderful Minister from my community was praying, they were all reading them over before they got up to read them.

They have tried to whip up public support against the Motion, no problem with that. That is their democratic right, but the public must remember that there are several things now they have brought, and asked us to step down on. Cayman Airways was the first one. That was going to be the ruination of the country and I say they tried a coup, and they can call it by anything they want, but a rose by any name is just as sweet. And that is what they tried to do, they tried to overthrow the Government in the absence of three Members of Executive Council who were off the Island and they are the people that are.....

MR. GILBERT A. McLEAN: Mr. President....

MR. PRESIDENT: Is it a Point of Order?

MR. GILBERT A. McLEAN: Yes Mr. President, I am just wondering if that can be allowed as a correct statement because a coup is the overthrow of a Government and it is implied by violent means. I am not aware of any such thing happening in this country. I think that it deserves a ruling.

MR. PRESIDENT: You shall have a ruling.
I think there have been many things said rather more powerful than that in this House, even in my short time here. But in fact a coup here does not necessarily imply violence, there are things called bloodless coupes for example. It simply means the overthrow of a Government, it does not necessarily mean violence.

MR. GILBERT A. McLEAN: Mr. President, I totally agree with you, Sir, but I am saying that the Member should not make that statement if such a thing did not occur in this country. I am saying that no such thing ever occurred in this country. It was no attempted coup because.....

MR. PRESIDENT: I am sorry, the Point of Order is whether this is proper language, I imagine.

HON. D. EZZARD MILLER: Mr. President, I did not talk about a violent coup, maybe that is going to be their next move.

Three Members are off the Island, they called for our resignation, asked us to step down, in my opinion, that was an attempt at a coup. And they had started much earlier than that. They had their first meeting in February.

Mr. President, like them I am also entitled to some opinions of my own. They are going to get very hot under the collar before I finish with them tomorrow morning.

ADJOURNMENT

26th June, 1990

Hansard

645

HON. THOMAS C. JEFFERSON:
o'clock tomorrow morning.

Mr. President, I move the adjournment of this House until 10:00

MR. PRESIDENT:
House do stand adjourned until tomorrow morning.

I will try to get the day right this time, the question is that the

QUESTION PUT: AGREED.

**AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,
WEDNESDAY 27TH JUNE 1990.**

**WEDNESDAY
27TH JUNE, 1990
10:11 A.M.**

MR. PRESIDENT:

Prayers by the Honourable Member for Education.

HON. BENSON O. EBANKS:

Let us Pray.

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

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

Bless our Sovereign Lady Queen Elizabeth, the Queen's 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.

Statements the Honourable the Elected Member for Health.

STATEMENT BY MEMBERS OF THE GOVERNMENT

HON. D. EZZARD MILLER:

On Thursday last, during the debate on Private Member's Motion No. 10/90, the First Elected Member for Bodden Town, in his reply, quoted from a letter which supposedly came from the Manager of the Chamber of Commerce addressed to me in my capacity as the Member responsible for Health and Social Services.

I have no reason to believe that the First Elected Member for Bodden Town was trying to mislead the House. In fact, he has produced the letter for the Clerk and the transcript of his speech shows that he quoted it accurately and in total. However, I am at a loss to say what game the Manager of the Chamber of Commerce is playing when he gives a Member of this Honourable House a copy of a letter with a request that it be read into the records of the debate, while mailing a different letter to myself, the Member responsible.

I drew my conclusion that the article reflected the Chamber's executive position on drugs because I have never received articles which did not support in total, the position of the Chamber. For example, all articles about Pensions have supported its position, that is, that only private sector should provide pensions.

I am happy that the Chamber does not support the legalisation of drugs as promoted by the article in question. I am also glad to know that all articles sent to me by the Manager are for my information only and not to influence policy and that therefore the public and the Government should view in that light all that the Chamber has said about Pensions and the National Pension Plan.

Thank you, Sir.

**STANDING ORDER 30(2)
SHORT QUESTIONS TO STATEMENT**

MR. G. HAIG BODDEN:
ask a few questions.

Mr. President, under Standing Order 30(2), I claim the right to

MR. PRESIDENT:

You may ask short questions as the Order provides.

MR. G. HAIG BODDEN:

I would like to ask the Member if he is aware that when the First Elected Member for Bodden Town read the letter referred to, that that letter had been copied to all Members of the Chamber of Commerce, which I understand is some 600 people, all Exco Members and His Excellency the

Governor, does he realize this letter is more or less public property now?

- MR. PRESIDENT:** If I may intervene, that seems to me, to be nothing to do with the statement at all.
- MR. G. HAIG BODDEN:** In that case, I would like to ask the Member what is the purpose of his statement?
- MR. PRESIDENT:** Again, the statement is perfectly clear.
- MR. G. HAIG BODDEN:** Mr. President.....
- MR. PRESIDENT:** I am sorry, I am not having a debate arising out of this matter.
- MR. G. HAIG BODDEN:** I am not debating Mr. President, I have a right to ask questions.
- MR. PRESIDENT:** I am not addressing you, I am addressing the House. Please continue.
- MR. G. HAIG BODDEN:** I would like to ask the Member if he can let me have a copy of his statement now so I may ask some more questions? This is a very important matter.
- MR. PRESIDENT:** The Standing Orders are perfectly clear, short questions may be put, that is in order and you may continue.
- MR. G. HAIG BODDEN:** Yes, Mr. President, I am trying to make my questions as short as I can, I simply ask if he will let me and all the Members on this side have a copy of the statement now.
- MR. PRESIDENT:** The First Elected Member for West Bay.
- MR. W. McKEEVA BUSH:** For clarification Mr. President.
Did the Member for Health say that a different letter was sent to him from the one which was sent to the First Elected Member for Bodden Town and thus all Members of the House?
- HON. D. EZZARD MILLER:** Yes Mr. President, that was what I said.
- MR. W. McKEEVA BUSH:** Will the Member table that letter that was sent to him now?
- MR. PRESIDENT:** Personal Statements are automatically Tabled.
- MR. W. McKEEVA BUSH:** No Mr. President....
- MR. PRESIDENT:** Forgive me, they are automatically Tabled, they are part of the documents of the House.
- MR. W. McKEEVA BUSH:** Not the Statement, I am talking about the letter. Will the Member Table the letter?
- MR. PRESIDENT:** He has referred to both in his statement and they will be part of the document, they are part of the document.
- MR. W. McKEEVA BUSH:** So the letter will be there?
- MR. PRESIDENT:** Yes.
- MR. W. McKEEVA BUSH:** Thank you.
- MR. PRESIDENT:** The Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** Will the Member say, whether there were any words expressed saying that the Chamber of Commerce supported the article?
- HON. D. EZZARD MILLER:** In the letter I think the statement is clear when I say that I am happy to report that the Chamber does not support the legalization of drugs. The letter does refer specifically to them not supporting the legalization of drugs.
- MR. PRESIDENT:** The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, the Member said in his statement something about the Member misleading the people, will he explain to us what his reasons are for such a dangerous statement?

MR. PRESIDENT: He has not made such a statement. Will you please repeat that part of the statement? This is becoming a debate and that is not permitted.

HON. D. EZZARD MILLER: Yes Sir, I will be quite happy to repeat that whole paragraph which is the second paragraph of the Statement and it clearly says:

"I have no reason to believe that he First Elected Member for Bodden Town was trying to mislead the House. In fact, he has produced the letter for the Clerk and the transcript of his speech shows that he quoted it accurately and in total."

POINT OF ORDER

MR. TRUMAN BODDEN: Mr. President, on a Point of Order. If a document is being tabled in this House, should the Members have copies of it, which is usual?

MR. PRESIDENT: Copies cannot be distributed immediately, you will receive them when they are copied.
The House will now proceed with its other business. That Statement was perfectly clear.
Government Business, Motions.

(LAUGHTER)

Order! Respect the dignity of the House if you please!
I might say at this point, for the benefit of the members of the public that I have, in the last seven or eight days, received a large number of representations referring to 'the poor behaviour in the House'. I feel obliged to mention this.

GOVERNMENT BUSINESS

MOTIONS

MR. PRESIDENT: Amended Motion to Reject the Report of the Standing Select Committee on Standing Orders, debate continuing, the Honourable Member for Health.

HON. D. EZZARD MILLER: Mr. President, yesterday afternoon I made the point that the Motion before the House, Motion No. 3/90, was not the monster the Backbenchers and certain of their supporters in the public have tried to make the Caymanian people believe that it is. In my opinion, the public is finding out the truth about this motion as to its necessity and the real purpose of Government bringing this motion in order to continue good government in a stable, efficient and rational manner.

The Members speaking in opposition to this motion (have obviously talked to their supporters), have obviously read the numerous letters sent in by people who support them and people who oppose the Motion. But likewise, we have people who support us and people who understand and support what the Government is doing. So, they are not the only ones that have an ear to the public or have any right to be approached by the public and be encouraged in what they are doing. That is democracy and we all stand for that.

Now, what have been the reasons put forward as to why they opposed the motion? Yesterday I dealt with the falsity of their attempt to play on the emotions of the public by saying that they were convicting the Financial Secretary while we had not in fact, charged him with anything and that this motion was only an attempt to remove the Financial Secretary and to reduce his importance.

As the day wears on, I will point out the forked tongue with which they are heaping these accolades on the Honourable First Official Member as Financial Secretary. They and their supporters are, in fact, the ones who want to remove him through constitutional change and do not want and do not believe and have argued very strongly that Official Members and the Honourable Financial Secretary is, de facto, the First Official Member.

They have spent hours arguing and trying to convince us that no Official Members should be allowed to deal with finances. They have even gone as far as to suggest that the inclusion of these honourable, honest and hard working men opens the door to corruption. That is a very broad statement and Mr. President....

POINT OF ORDER

MR. W. McKEEVA BUSH: On a Point of Order, Mr. President.
If the Member is referring to what I said in my debate yesterday about putting the Official Members in a position to vote funds and then they themselves have to be the controlling officers, I said that was trampling on the separation of powers. I did not make any accusations of them being corrupt. I did say that

MR. PRESIDENT: You are making a Point of Order?

MR. W. McKEEVA BUSH: Yes, he sat down for the Point of Clarity, Sir.

MR. PRESIDENT: No he did not. You said a Point of Order and I took your reply.

MR. W. McKEEVA BUSH: I thought he was giving way for me to explain....

MR. PRESIDENT: No, I am sorry, that is not reasonable. It is either a Point of Order or he gives way voluntarily. You know that from my memorandum.

MR. W. McKEEVA BUSH: I thought he was giving way for me to explain.

MR. PRESIDENT: I am sorry, I cannot accept that explanation. You said a Point of Order, quite clearly.

MR. W. McKEEVA BUSH: Mr. President, I am sorry if I said a Point of Order, I wanted a chance to explain.

MR. PRESIDENT: Right. Please continue.

HON. D. EZZARD MILLER: Mr. President, under the system of decorum and mutual respect in this Parliament, anytime a Member is speaking and another Member rises on a Point of Order, that Member is obligated to sit and let the Chair rule. That is what I did. I was not giving way and I am not giving way anytime today for any explanation. They have done all the explaining they wanted for the last several days. All he has done there is to confirm and I think if we check the transcript you will find that he used those exact words, 'open the door to corruption'. But again, a rose by any name is just as sweet.

Now that whole emotional argument that they have used about us demoting one of our own Caymanians is going to backfire the same way as the argument they went with on every platform of this country about how Cayman Airways and the Government were going to fail and Cayman Airways was going to have to close down. We proved them wrong on that issue; and we will prove them wrong on this issue. They keep referring to when the chronicle writes the history, how good is he going to treat them? I am not worried about how he is going to treat this Government because, if he writes a fair account of history, this Government will do alright.

They have also tried to make the case that his removal as Chairman was some great demotion and we were taking all of his financial responsibilities and giving them to the Governor. They have said, (as some of their supporters), that this motion in fact, takes away some of the functions of the Honourable Financial Secretary and has placed them in the hands of the Governor.

Now, again this is another statement that cannot be substantiated. First of all, it is not the Governor who will be Chairman of the Finance Committee, it is the President or Speaker, (as he is called in some other Parliaments), of this Honourable House that will Chair that Committee as he Chairs all other Committees.

We have a unique situation in that, we have one person, (one body that happens at this present time and at this present stage) in our constitution to occupy both roles. There are provisions already in the Constitution for them to change that anytime that they want, but one gets the distinct impression that they are not necessarily in favour of using all the provisions of the present constitution, because that does not take them as far as they want to go.

Again, their attempt to confuse the roles and separate functions of this individual is in my opinion, nothing short of being mischievous and yet, another attempt to malign the honourable and respected Office of Governor for their own purposes and to let the people believe that that, in itself, is reason for the constitutional advancement that they so often advocate.

Let us now look at the role of the Chairman in any committee or sub-committee of this Honourable House. The Chairman's sole function in these committees is to conduct the meeting according to the rules of Standing Orders and in some instances maybe, Robert's Rules of Order. He is there to ensure decorum, proper behaviour, often a very difficult role in this Assembly and to allow full discussion of the topic at hand or the topic on the agenda of the Committee to deal with. The Chairman is not allowed under normal circumstances to vote unless there is a tie and in some instances as Chairman of some Committees he has a casting vote.

He should not take a leading role in the debate on the topic and I submit, that that often puts the Member responsible for Finance in a difficult role. He either has to function outside the gambit of a Chairman to defend his policies; to defend his programmes; to explain the increases necessary for supplementary expenditure; etcetera, or he has to rely on the four Elected Members of Council to put forward his case.

Giving him the role of an ordinary Member allows him to do all of that and certainly will improve his ability to function in the Committee. If one looks at it in the narrowest of views as some of the speakers have done, they have compared him to going from a captain to a mess boy and other ludicrous comparisons. It could be argued that it would be a demotion but, if one looks at the change from Chairman to a Member in the terms of the ability of the individual to function, that view cannot be successfully argued because what we are looking for as a Government is improvement and effectiveness of Government in this peculiar position and the people we are presently dealing with.

We cannot go off into 'Alice in Wonderland' and talk about if the membership of this House was made up in some other form, or if it was made up of all Elected Members or if there was no Elected Members or if it was in the days when you had nominated Members, and what is the difference between a nominated Member and an officially appointed Member. We have to deal with the reality of what we have today. And that reality is, that we have 12 duly Elected Members every four years and we have three Official Members giving a total composition of 15 Members. That is what we have, and all of those have equal status as Members.

They have also charged that we are changing the constitution. Of course, they use that word very loosely and if you get up on a Point of Order they will tell you they are talking about the make up and not the Constitution Order 1972. They use a very convoluted argument, that we are not changing the Constitution Order 1972 but by changing the constitution of the membership of the Committee under Standing Orders, as is provided for in the constitution, we are changing the constitution. That simply does not follow.

They are also relying very strongly on some argument that this change to add Members who are properly appointed in terms of their right to be Members and to be part of the membership of this Honourable House, their ability to take part in decisions of the whole House, or any subordinate committee of the House being equal to that of any Elected Member of this House. Because we are saying that they are equal, they argue the equivalent of the removal of some special right of privilege that only belong to those people who are elected at the polls in this country and that it threatens the ability of this Parliament to function democratically.

If they want to remove the change, the make up and the membership and who is entitled to be Members of this House, that is a serious constitutional advancement. They must not use these convoluted arguments to try to make the public believe on the one hand they do not want any constitutional advancement which would remove the Official Members entirely from this Parliament.

On the other hand, they agree with certain pseudo political organizations in our country who advocate the total removal of these people and on yet another hand, they are saying, yes, they are here but they are really nobody. They should not be involved and they have no right, to be part of the decision making process.

I want the public to pay very close attention to this argument that is being laid down in this motion in this Parliament by certain Members on and centered around, the removal of these three Official Members. Which as I said, can only mean advancement in the constitution to where, if they remove the three Official Members, they will have to set the date for independence.

While I am not or do not profess to be an expert on Constitutional Law, it is fairly common knowledge that when the last Official Member is removed from your Parliament and a Crown Colony status, the United Kingdom has in the past and will most likely insist in the future, that you set your date for independence. If they are meaning what they say and saying what they mean; the removal of the three Official Members will lead to independence for this country.

We know that it is what some of the Backbenchers and some of their supporters want and it brings smiles to one's face to hear them admonishing and in some sense, attempting to belittle the Honourable Member for Communication and Works because of some statement he made as a Backbencher and what they promoted is his ambitions to be Minister of Finance. He has not denied that he has made that statement, but it is also muted in some quarters that at least one, maybe two, of the present Backbenchers want to be the first Premier.

Now, several of the speakers from the other side have relied very heavily on various documents, and published works by learned men; and that we should conform to Westminster's tradition and style in structuring this committee and that no Parliament anywhere in the world presently has Official Members on Finance Committee. They have been backed up by some of their learned friends in the local environment that this is what should be. What we are doing is a backward step and they want the Finance Committee structured on the Westminster tradition and style.

What is this Westminster tradition and style that they are advocating is made up of all Elected Members? That is true. It is also not usually made up of the whole membership of the Assembly but by selected few. But the important thing about the way that committee is structured is that the Government of the day always ensures that it has a majority and cannot be defeated in that committee. That is the system they want. Lord Oxford recommended it. Seven Members, four Elected Members of Executive Council and three Backbenchers. A clear majority for the Government of the day whoever it might be. Is that what they want?

Then if that is what they want it requires a simple amendment to the present motion. They have one speaker left and they always tell you that when one of them is speaking he is speaking for the seven. They speak as 'we'. They no longer use the term in this Parliament 'I', it is always 'we'.

That is the problem that they have with the Newstar in that article that they are beating us over the head with in here. They could not get them all together to conduct the interview and they would not do it separately. All he has to do is to indicate on their behalf that they will support the

amendment and I will move it.

The amendment is that the Finance Committee be made up of seven Elected Members as proposed by Lord Oxford, four Elected Members of Executive Council, three Members of the Backbench and the Financial Secretary as Chairman.

MR. W. McKEEVA BUSH: (inaudible)

HON. D. EZZARD MILLER: No, you bring it, you are advocating Westminster style, you bring it.

The Government does not feel that way. The Government feels that it is better to include everyone, and we are not looking for a clear majority. That is what they would do, you have heard them. That is what they would have done because they would have wanted the ultimate command if they were in Government. This Government is prepared to take the chance of having to at least be able to convince one of them that the programme is good. But you heard them say, "bring the amendment, they can bring it. If they bring; it we will support it". They are talking about democracy.

We feel it is better to have the Whole House, that is more democratic from our standpoint. We had that choice in bringing the original motion and the mover made that quite clear.

As I said, unlike them, we believe in the democratic process and we are prepared to put ourselves in what could be a disadvantaged position of always having to have at least one Member from the Backbench vote with Government to get any measure through. If we were looking for ultimate control we would have brought it so that the four Elected Members would always have the majority.

Again, they tried to discredit the argument by the mover that other territories around the Caribbean do in fact have members in Cabinet who are not elected by the masses. The Member for Education, in moving the motion, gave several examples. They have said that does not matter, because they are not in the Committee that vote the funds.

When one looks at the rules of Financial Procedure one will see that in all of those situations, the Cabinet decides on the expenditure and what programmes are going forward. None of those elected members are full partners and members of the Cabinet that contribute to that decision making process and it is that decision, once it is taken in Cabinet on any programme, that goes to the committee to be voted on. In all of those environments, the Government Bench is assured of a majority in Finance Committee.

So when a non-elected member sits in Cabinet, makes a decision on a programme that involves expenditure, he knows he does not need to go to the committee to cast his vote. The Government has ensured that it has that majority and it passes. But the original and legally binding decision as to what goes to Finance Committee is made in Cabinet, when those non-elected members are full partners in the decision making process.

Now, several of them praised very highly the letter written by the Young Caymanian Businessmen's Association, and they quite rightly thanked them for their support and made much of their intelligence, their importance, and their concern. I agree with that, Sir. And they gave special attention, at least one previous speaker, to a particular paragraph in that letter.

I quote from the Caymanian Compass, Monday, 11th June, 1990 - and I will table this when I am finished, Sir - from a letter entitled, Young Businessmen Comment. I will quote from the eighth paragraph in that letter, and it says:

"Our ultimate goal should be to have the Legislative Assembly made up of Elected Members only.".....

And, as I pointed out earlier, that can only mean independence. There is no other way to achieve that. It is a known fact that not many Members of that Association support the present Government. I do not have a problem with that, that is their democratic right. I will defend their right to do that as long as I am privileged to serve in this Honourable Parliament. They do not agree with us on very much, and we do not agree with them on very much and that, is one of the things that we differ most on. This Government does not want independence for this country.

We are quite comfortable and quite content with our association with the United Kingdom, and remaining a Crown Colony. We are not concerned, about going independent so that we can elect one of us as Premier; nor, as was muted in some religious quarters, so that we can appoint our own local Governor.

We have and are a great economic success. A lot of that has to do with our constitutional relationship with the United Kingdom. This Government is not going to do anything which will advance us to the point where we remove the three Official Members, and set a date for independence for this country.

They have stated publicly in several forums, that they would remove us if they had the votes. Why? Is that one of their great ambitions to remove the three Official Members and set a date, maybe in 1991 or 1992, for independence? Is that why they want to remove this conservative Government that does not want to take us to that point?

They are all wearing their red neckties. They are entitled to have a uniform. I admire that among them, Sir. We will assume that that has nothing to do with other associations with

red anywhere else in the world or any ideological connection with a hammer and sickle or otherwise but we know that the colour of the British Labour Party is red. I have no problem with that. They can call themselves by whatever name they so choose. We know the Third Elected Member for George Town does not have his on today but he had it on earlier this week.

MR. TRUMAN BODDEN:
do not.

If the Member would look he will see that there is a lot more that

HON. D. EZZARD MILLER:

I am wondering if that great cohesion is cracking at the seams? We notice that every opportunity that they get they have to have a caucus during the breaks to stick it back together just in case it has started to crack. We wonder if the fact that a few do not have on their red ties today is signs of things to come and the marriage of convenience is having a few little arguments or domestic problems. They will work that out, they have unity. That is fine for them.

They have said publicly, that they were going to control us in Finance Committee because that is where they had the majority. That was stated publicly that we could do what we wanted but when we come to the Finance Committee they were going to control it and they were going to do what they wanted with the funds of this country. They carried out those threats. They did that in December of 1989 and I am going to deal with that in some detail a little later on.

They have pounded their chests and tried to intimidate us with that and they have, unfortunately, had some success in controlling Finance Committee by using their boisterous intimidating numbers to ramrod a few of their petty projects, and have them funded. Presently we are the Government and whether they like that or not, we have been charged with the responsibility to govern. That is what we intend to do until November, 1992. The public can decide or they can muster their eight votes to take us out, that is democracy. We can no longer let them have the authority and we the responsibility, and have them come to cry on our shoulders that we are not doing anything for drugs or this or that, and when we take the proposals to Finance Committee and they shoot them down.

It is true they have controlled Finance Committee particularly since June, 1989. They threatened us with it and they carried out their threat. They stopped all national projects and commandeered nearly \$6M for their pet projects and local politics without any consideration of where the revenue was coming from. The Minutes of that Committee Meeting will show that they demandedand I like what they call carrying out those threats of using their majority, 'negotiations'. That is the new word they use for it. That is like their other attempts at compromise in negotiations and I will deal with those too.

The Minutes will show that they demanded \$4,618,210 to be reallocated and let us look at some of the things they wanted the money reallocated for. \$100,000 to provide a bulldozer for farming purposes, \$35,000 to provide an ambulance for the eastern districts, \$150,000 to renovate the West Bay Town Hall, Roads, Cross Island Bluff Road \$300,000, East end of Little Cayman \$100,000, Feeder Road on the Bluff \$50,000, Frank Sound to East end \$400,000 or whatever the quantum will be to pave it, Bodden Town continuation of road work \$400,000 plus a revote of \$250,000, West Bay district Roads \$300,000 plus a revote of \$250,000, Bodden Town Back Road Survey \$50,000.

They get up in here and tell you that the Members of Government bring things to Finance Committee that have not been properly costed. They pull these figures out of a hat, they had no idea of what this amount of money could do or what they were going to do with it. They just put the figures in there to get their parochial projects done in the local communities.

It goes on and on in the same vein. Furtherlands, Gun Bay to Colliers, 445 acres \$500,000 to buy land to give the farmers, West Bay Primary School Assembly Hall \$450,000. Again, none of this was costed. It was found out that the land in East End would probably cost twice as much. But we have not yet gotten to the interesting part.

They have campaigned all over this land and in Cayman Brac, one Member even said he was in Little Cayman, I had not heard that he had gone there to try to influence the 12 people up there that can vote but he said he was in Little Cayman, I will take his word for it.

But there is a heading in this record which says "Reductions, Members proposed the following reductions". Now we have all heard that they did not trouble the Member for Education's vote, they were not going to trouble the Member for Tourism's vote but let us look at the facts and these are the official records of this Honourable House.

What do we find under the items that they want reduced? 41-006 District Works - \$430,000 and you have heard them all say there was nothing in the Budget for District Road Works yet they could find \$430,000 to cut out. This Government had put nothing in the Budget for any of the districts according to them but they found, through some magical genie, that there was in fact \$430,000 in there for District Road Works which they could cut out and reallocate it as they saw fit.

Construction of roads. Earmarking \$200,000 to be left for George Town new road and maintenance purpose and the School Access Roads \$595,000 - cutting that out but they were not troubling Education, they wanted us to build the Community College without a road to it. They can then get up and say, "You see what a "fool-fool" Government you have? They built a Community College and have no road to it." They cut the money out to put the School Access road in, not as we had it in there. They also cut Phase 1 of the M.G.T.P., - \$660,000, part of Phase 1. the "Jennett T" \$360,000, Land Acquisition \$1,000,000.

Now just months prior to that they had voted, all except one, to place a statutory obligation on the Treasury of this country to pay people for the land in the road corridors. But here they ignored that statutory obligation that they had put on the Treasury in May last year, and proposed to remove the \$1,000,000 for land acquisition.

Fees Consultancy - that is to do with the Health Programme, \$700,000; cut the Scenic Coastline \$295,000; cut Miscellaneous Visits and Entertainment by \$6,500 which gave them a total at that point, of \$4,046,500, still some \$600,000 short of the \$4.6 million that they proposed to reallocate. Where are they going to get that other \$600,000? The record goes on; New Services - need more information from persons to be summoned; Police- Staff Prison - Government applied for 22 new police officers, they cut it to 11 yet, they are for law and order and they want something done about crime. But the Honourable Member responsible for the Police applied for 22 posts and they cut it in one half - 11! Contingency and Escalation, and I might add we had to argue strongly to keep that 11.

Contingency and escalation; that had to do with the Community College - \$600,000. Most important of all, CAL Subsidy, 08-043 - \$1,050,000. But you heard them get up in here telling everyone we were not going to interfere with CAL Subsidy but here it is listed as one of the items from which they will get their additional \$600,000 that they will need. It is here! We are not taking about what happened in the final analysis. I am reading from the record....

POINT OF ORDER

- MR. TRUMAN BODDEN:** On a Point of Order....
- MR. PRESIDENT:** If it is a Point of Order, state it.
- MR. TRUMAN BODDEN:** On a Point of Order, I think this is misleading because Cayman Airways' subsidy was approved. The Member is sitting there shaking his head yes.
- MR. PRESIDENT:** I think you should let the Member continue.
- HON. D. EZZARD MILLER:** Mr. President, we are not dealing here with what finally happened. I am now dealing with the official account of what they wanted to do. This is not my record, these are the records of this Honourable Assembly prepared by the professional staff here. I am not dealing with the final outcome of the Budget. What I am dealing with is the record of the Finance Committee's Minutes which is entitled, Appendix to Finance Committee's Meeting of the 20th December, 1989, Backbench Proposals. Now they can get up on any Point of Order they want, that is what the records say and that is what they did.
- MR. W. McKEEVA BUSH:** Tell them whether you supported it or turned it down.
- MR. PRESIDENT:** Order! Order!
- HON. D. EZZARD MILLER:** Mr. President, the first line of this document says: "Backbench Proposals" and we listened to them for three days. "Backbenchers have asked Government to consider the following:" and the last page on that is what I have just read. And it says, they were short of the areas that they were going to cut by \$600,000 and they listed three additional areas. There is a sub-total in this document of \$4,046,500 and they wanted \$4,618,210. Now, in my opinion this says that in order to get that additional \$600,000 they were going to cut some of these votes - the \$600,000 on the Community College and \$1,000,000 of Cayman Airway's subsidy. If this is not an accurate account, and I have no reason to doubt that it is, of what took place then they have to make representation to the Clerk because after all the Report is signed by each and every one of them as being authentic and it is Tabled as a record of this Honourable House. They can get up and squeak and squeal and hollar about what they intended, but we are not dealing with that. I am going to deal with what happened in the final analysis...
- MR. TRUMAN BODDEN:** I wonder if the Member would ...
- MR. PRESIDENT:** Is it a Point of Order?
- MR. TRUMAN BODDEN:** Yes, Sir. I said, I have not found that here, I wonder if he will state the page and, he referred to an index on this?
- MR. PRESIDENT:** That is not a Point of Order but I think it is a reasonable request.
- HON. D. EZZARD MILLER:** Mr. President, since it was not a Point of Order, I was not listening to him so maybe if he would ask again, I think he was asking the page....?
- MR. PRESIDENT:** He was asking you to identify the Appendix or additional paper you were quoting from.
- HON. D. EZZARD MILLER:** I do not have any problem with that Sir, it is page 4 of the Appendix to Finance Committee's Minutes of the 20th December, 1989. and it has down the margin column, the following letters: r, s, t, u and v. It has all of that writing and all of those figures I read a while ago save the few

comments I made like, they were going to expect us to build the College without the road and that about cutting the Police staff. Page 4, I do not have a ruler here but I would guestimate that it is a little more than two-thirds of the page of printed matter. I do not know if the Member has enough yet to find the page it is on if not, I will get a copy of the Minutes at the break and actually give him the page so that there can be no mistake as to the authenticity of what I am saying Sir. This is a record of this Honourable House.

MR. PRESIDENT:
identify the paper.

Perhaps we can take the break now when the Member can
Proceedings suspended for fifteen minutes.

AT 11:19 A.M. THE HOUSE SUSPENDED

THE HOUSE RESUMED AT 11:52 A.M.

MR. PRESIDENT:

Proceedings are resumed.
The Honourable the Member for Health, continuing.

MR. TRUMAN BODDEN:

Member read a part and not the full part of the Minutes which would be misleading to this House and that very simply is that he said that we have moved to cut it....

MR. PRESIDENT:

I am sorry, I must interrupt you but what is the Point of Order?

MR. TRUMAN BODDEN:

dealing with a part of it...

The point is that, what he has stated is misleading by not

HON D. EZZARD MILLER:

Mr. President, with the greatest of respect, I do not mind the normal interruptions by people who have a sensible explanation to make or by people who are willing to as soon as possible after they rise, quote the Point of Order. But these attempts....I did not disturb them and I think it is time to put an end to it.

MR. PRESIDENT:

what.....

There is an attempt to make a Point of Order, I must understand

MR. TRUMAN BODDEN:

The Point of Order is....

MR. PRESIDENT:

Member is misleading the House by not quoting?

...let me ask, so far you are saying you are alleging that the

MR. TRUMAN BODDEN:

Misrepresenting is what I am using from Mays. okay?

MR. PRESIDENT:

Yes.

MR. TRUMAN BODDEN:

What he has said is incorrect. Because where it said CAL SUBSIDY, it says "need more information from persons summoned" and to say that we outright rejected, that is incorrect. It was reserved and if you read the whole of that Minute then there will be no misrepresentation in it because these are proceedings of the House.

MR. PRESIDENT:

Right, on the Point of Order, I do not think that you can say that the Member is misleading the House so long as he quotes accurately. So we will now invite the Member to reply to that point.

HON D. EZZARD MILLER:

Yes, Mr. President...you know if the Member would stop interrupting people and let them finish their argument, and complete the argument he would not appear to be so silly when the Member is finished making his argument.

In my opinion the statement that he has just made was unnecessary had he just sat there as I do when they are speaking and let them make their whole presentation.

But let me hasten to add that in spite of what the Third Elected Member has said, "need more information from persons summoned", they were \$600,000 short of their goal. One of them had a big thing in here a couple of days ago about the first draft. This is not even a first draft. This is the final draft of their demands after about three days and it is part and parcel of the official record of this House. It is under the sub-title of the Appendix which says 'Reductions'. And, up to that point they had \$4,046,500 and they needed \$4,600,000. They have listed below that two areas and signed these minutes before they were tabled. There are two items that are listed, he is correct, the title under 'v' New Services - need more information from persons summoned.

I can argue, in my opinion, they only needed more information to see how much of it they would work up because they were short of \$600,000. I do not know what more

information they needed, I am not a mind reader. But the three items listed there are Police, Staff and Prison and there is not very much to get out of that vote because when I get on to the rest of the Minutes I am going to say what they did with it. We are going to be on these Minutes for quite some time Sir.

The second item is Contingency and escalation and that has to do with the Community College. The third item is CAL and that abbreviation in the context of these minutes means Cayman Airways Limited. Subsidy 08-043 - \$1,050,000.

Now to continue with what happened in the Finance Committee's meeting, we have dealt with the official record of what they wanted done and how they were going to fund it. Let us look at the Government's counter proposal, the reply to what they wanted done. They will tell you that we would not negotiate. And, just so that I can as clearly, concisely, thoroughly and as simply as possible, identify the source from which I am now quoting so that the Third Elected Member for George Town can follow me, this section of the Minutes is entitled, 'Minutes' and it is one word, underlined. Below that there are two words 'of the' and that is also underlined, below that is, 'Standing Finance Committee' that is also underlined, then there is a single word 'Meeting' which is also underlined, then beneath that there are the words 'to consider the draft Estimates of the Cayman Islands' also underlined. Beneath that 'Government for the Year 1990' also underlined, then the single word 'and' also underlined, then below that 'The Appropriation (1990) Bill, 1989, also underlined and below that two words in brackets 'Fourth Sitting', also underlined.

The fourth item in these Minutes which are the Minutes of the Standing Finance Committee's Fourth Sitting held Wednesday the 20th December, 1989 at 10:25 A.M. in the Committee Room of the Legislative Assembly Building, George Town, Grand Cayman. The fourth item on that is entitled, "Government's Response to Backbencher's Recommendations". This even changes their demands to recommendations and they talked, we would not negotiate and as soon as we gave them this they threw it out and told us they had eight votes and they were not accepting that. And it reads, "The Committee at its second and third meetings held 12th and 13th December, 1989, considered various recommendations put forward by the Backbench (see appendix attached)" that is what we have just dealt with, "commenced today's meeting' by considering Government's response to the Budgetary reallocation requested. The response included certain reductions, increases and additions. The Chairman presented the Paper."

We offered under that section:

"Sub-head 40

- (1) instead of a completely new bulldozer for the \$100,000 that they wanted, we have a bulldozer at the Funding Scheme, they were prepared to spend \$20,000 to put it in tip top shape and that could be rented at concessionary rates to farmers under the present programme that I think has existed for some time - \$20,000.
- (2) We recommended that the vote for the ambulance for the East End be increased to \$45,000 because when we checked with the technical people, that is what it costed;
- (3) We included the \$150,000 for the West Bay Town Hall,

Construction of roads we offered the following:

"\$100,000 for East End road link and that is the east end of Little Cayman	-	\$275,000
Cayman Bluff Road	-	\$100,000
South Coast Road in Cayman Brac	-	\$125,000
Feeder Road	-	\$50,000
Total	-	\$275,000
East End	-	\$350,000
Bodden Town	-	\$350,000
North Side	-	\$200,000".

That is only the addition I put that in for my constituency and the recently retired Second Elected Member for Bodden Town nearly ate my head off, now he is talking about coming to North Side to run for the next Election. I welcome him, Sir.

MR. W. McKEEVA BUSH:

At least he is honest!

HON D. EZZARD MILLER:

So am I.

West Bay - \$350,000, George Town - \$200,000. We put back

the school access road and the Boilers repair and expansion - \$680,000. They having refused to fund the Master Ground Transportation Plan had instructed us to wind it down and they were going to support \$250,000 to wind down the M.G.T.P. and I guess that was considered at that time judicious and value for money to spend a quarter of a million dollars to wind down a programme that had been in development for so many years. But I will get to that one because we are getting a lot of blame for that. That was one of their big supporters going around disturbing the churches trying to get them up against this motion, they saddled us with that.

There are other changes to various sub-heads. In fact out of their request, although they were not of these mild mannered requests; "Jennett T" they insisted that they had the votes to put it through. So it was not really a request, they figured they had our backs to the wall and they were going to punch us while they had us there.

Of their \$4,600,000 plus that they demanded, we counter offered, after much consultation and soul searching with the Hon. Financial Secretary, \$4,115,420. We were going to get that by reallocating the following sub-heads:

"Jennett T"	\$360,000
District Works	\$630,000
School Access	\$680,000"

but we put that back in. The public is to note under Road Works school access - Boilers Road, M.G.T.P. Phase 1 - the land acquisition, because we had no choice. They had saddled the Government in May with the statutory obligation to pay these people and they had made it quite clear that we are taking the money out and reallocating it, to slaughter houses; and launching ramps etcetera. What about the statutory obligation we corrected in May? That is your problem. You are winding this thing down, you deal with it.

We were going to use up the surplus that was in the Budget of \$727,960 and there was an item of duplication in the Budget of \$60,000, \$4,117,960 or a surplus of \$2,560.

Notice we gave no consideration to cutting the other three items that they were going to have to look at for their \$600,000. The Minutes go on to read:

"The Committee suspended at 9:40 A.M..

Committee Resumed at 2:40 P.M.

Following the lunch break, (that was a long lunch) Mr. Truman Bodden, on behalf of the Backbencher advised that of the proposals put forward by the Government Bench, there were several items they were not satisfied with and that they would wish to put forward additional amendments to be incorporated in the proposal.

Much discussion ensued on the items included by Government and it was necessary for Backbenchers and the Government Bench to suspend for discussions amongst themselves of the proposals put forward.

The Committee suspended at 3:15 P.M., 4:52 P.M., 5:03 P.M., 5:00 - 5:33 P.M., 5:45 - 6:15 P.M., 7:03 - 7:50 P.M. after which the following decisions were reached:"

And these are the final decisions that were reached.

Mr. President, I will try to highlight the same examples that I have been using all along to remain consistent with what I am saying:

"Bulldozer

The Chairman moved that the amount be increased to \$150,000 to provide a bulldozer to be made available on a rental basis to farmers as recommended by Messrs. Franklin Smith and John McLean.

QUESTION PUT: AGREED.

THAT THE SUM OF \$150,000 BE APPROVED."

Now, I want to draw the public's attention to that sentence I read a while ago. "The Chairman moved" because we heard the Third Elected Member for West Bay say a few days ago during his contribution to the debate that we moved the changes, not them. But the fact is and these Minutes will bear it out, their argument was that Elected Members of Executive Council could not be allowed to move the increases because we were going to get the political mileage for it. It had to be moved by the Chairman and it had to be moved using the names of those who wanted it corrected. You can go through the Minutes and that is what followed. That was the format they used. Pure politics, Sir!

If it is not true, why then did they have to bend the rules and have the Chairman move it when the Standing Orders, as we will come to later on, clearly indicate that the Member responsible, and that particular item should have been moved by the Member responsible for Communication, Works and Natural Resources?

The second part of that reads:

"The Chairman moved that an increase of \$45,000 to provide an ambulance service for the eastern district as requested by Messrs. John McLean and Roy Bodden be considered.

QUESTION PUT: AGREED. THAT THE SUM OF \$45,000 BE APPROVED."

The same thing applies. They told everybody that I did not support it. So I could not move the motion because I would have gotten the political credit for having moved it. So we agreed for the Chairman to move it. I had no problems with that, but do not come here now and say that the was not what happened when the records show that everyone of these motions were moved in that particular format. And they are going to try to make the public believe that that was by accident? No, Sir!

"ROADS

Little Cayman, East End Link Road	\$ 100,000
Cayman Bluff Road	\$ 200,000
Cayman Brac Bluff Feeder Road	\$ 50,000
Frank Sound to East End Road	\$ 400,000
Bodden Town, (to include a revote of \$250,000)	\$ 600,000
North Side	\$ 200,000
West Bay (to include a revote of \$250,000)	\$ 550,000
George Town	\$ 200,000
School Access/Boilers Road	\$ 415,000
MGTP/(Winding down)	\$ 250,000
Bodden Town Back Road Survey	\$ 50,000

TOTAL	\$3,015,000

QUESTION PUT: AGREED. THAT THE SUM OF \$3,015,000 BE APPROVED."

Under the Purchase of Land:

"That the amount of increase of \$95,000 for the purchase of 3.5 acres of land in Gun Bay for a playing field on the recommendation of Mr. John McLean.

The motion was moved by the Chairman. It was noted that the amount of \$100,000 would be taken from the \$1,275,000 provided for the purchase of land adjacent to the West Bay Post Office for the proposed improvement on the Recommendations of Messrs. McKeeva Bush and John Jefferson Jr.

QUESTION PUT: AGREED: THAT THE SUM OF \$95,000 BE APPROVED."

That is the format it takes throughout the minutes.

Some Members who we have heard touting about the honesty of other Members got a little closer home than that in these records in creating posts for grafters and stuff like that. We will not get into those gory details.

The final records will show what was approved and what was cut in the final analysis. The CAL subsidy was not cut and the final analysis we managed to hold on to that subsidy and to the \$600,000 for the Community College. We could not hold on to any more than the 11 new policemen, but that is what the records show on the Finance Committee and we are going to deal with a few more things about this Finance Committee.

They, in agreeing to improve certain votes, placed certain conditions on the approval of those votes. The two that come to mind is the conditions placed on the \$350,000 for the Health Services Consultancy and that put on the West Shore Post office. I want to look a little bit at these conditions. From these same minutes that I was quoting from earlier, under Item 28, Head 28 - Administration Health and Social Services carried the following account:

"In accordance with the provisions of Standing Order 65(3) Mr. Truman Bodden moved that sub-head 28 sub-head 07-014 - Fees Consultancy be reduced by \$450,000. For the record Mr. Truman Bodden gave notice that he wished to table a statement regarding the various Backbench proposals and that the statement form an integral part of the Report. For clarity only, approval was granted as follows:

\$100,000 for Solid Waste Consultancy and Pension Plan
 \$350,000 for Management Systems, Consultancy for the George Town Hospital, Faith Hospital and the District Clinics (but not the proposed new hospital).

Hon. D. Ezzard Miller stated that he was in support of the reduction provided that the amount increased the surplus and that supplementary expenditure be considered in 1990. He gave the undertaking that he would provide the Committee with details of proposed expenditure in relation to Management Systems before committing the funds.

QUESTION PUT: AGREED.

THAT HEAD 28 BE REDUCED BY \$450,000 IN RESPECT OF SUB-HEAD 07-014

QUESTION PUT: AGREED.

THAT THE REDUCED SUM OF \$1,645,206 FOR SUB-HEAD 28 STAND PART OF THE SCHEDULE."

And they placed a similar condition on the West Shore, I guess it should be called the new sub-Post Office for George Town, that it cannot be located any further north than the H.O. Merren complex. I will get into what they have claimed is one of the bad projects that they have had to protect the populace of this country from in some detail later on. I want to deal with what I believe is, in my opinion, conditions that were not legal; have no legal binding; and could not have been placed on the vote. This was what I was referring to yesterday in my debate when I said, that in my opinion, and somewhat considered (and I think the legal fellows like to use the word 'advised opinion'), that under the procedures which are laid down in our Standing Orders under Financial Procedure; those conditions; if not illegal; at the very least; have no legal binding.

If we look at Standing Order 67, we will see that this Standing Order generally provides for Government proposals involving financial matters and financial requirements which have not been covered in the Appropriation Bill for that year to be considered by Finance Committee. In order that Finance Committee consider such proposals, the Member responsible must give notice of a motion that the Finance Committee approve the proposal/s set out in the paper. In our system, that is usually done by the Members of Government or the respective departments' requesting of the Financial Secretary that these items be put on the Agenda for which he is calling the Finance Committee.

Now, there might be amendments to those motions before the matter is referred to Finance Committee, either leaving out or reducing an item or a sub-head of any particular motion or proposal, or if there be more than one proposal - leaving out any one of the particular proposals. 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 by the Committee.

Finance Committee, says that: Standing Order, 64(2) which deals with the procedure in

"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 in the estimates for the head then under discussion."

By Standing Order 65 (1) and (3) which deals with the amendments in Finance Committee on the Appropriation Bill we find that:

"Except upon the recommendation of the Governor to be signified by the Chairman or a Member of the Government and recorded in the minutes of the 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. Which says something to the effect that head...be increased by \$ in respect of sub-headitem and an amendment to any head of expenditure to reduce the sum allotted may be moved by any member."

In other words, any Member of Finance Committee can move a motion to reduce any item of expenditure but only a Government Member can move a motion to increase the expenditure of any item. But they cannot move it to the whole Bill.

Now, from all of the procedures laid down in that section of our Standing Orders, I am of the view that Finance Committee shall consider the motion precisely in the form in which it is referred to the Committee by the Member responsible; or the Governor; or the House if it is to deal with a Bill. The only exception to that generally on principle would be from, and to deal with reductions.

It follows therefore, that if Finance Committee seek to place conditions on the motion so as to expand or narrow the motion, for example, by redefining the projects for which the funds are to be spent, as was done in both of those situations, in my opinion, the Hospital Consultancy and the George Town sub-Post Office, it would be seeking to alter the terms upon which the motion had been referred to the Committee.

If it was a situation where we are dealing with an item as part of the Appropriation Bill, one would assume that the second reading debate in the House on the Appropriation Bill or the Motion would have allowed full debate. It also stipulates in Finance Committee that once referred to Finance Committee, and Finance Committee decides on the matter, it is deemed to be accepted by the House in principle, and it is approved by the mere laying of the Report on the Table of Parliament.

I believe that all of those safeguards in the procedure of Finance Committee and in my opinion, those amendments and changes are conditions which were placed on those votes, had the effect of changing the purposes for which the money was sought. It is my submission further, that once the motion does that, it falls outside of what is allowed and outside the powers, privileges, responsibilities and authority

of the Finance Committee.

Therefore, they have no legal sanction and added to that, the fact that this idea which has sprung up recently of approving things in principle or under certain conditions, again I submit, really means nothing. There is no where in the financial procedure as set up in our Standing Orders or Erskine May that I can find what allows Finance Committee to rescind its own decisions and therefore once a decision has been taken and tabled in this House.

The piece that they added on about these conditions have no real legal sanction. There is no provision for them to rescind their decision having voted the funds. If they change the reason or scope for which the funds were voted, as they did many times in those Minutes, my position is that it falls outside of the provisions and control of Finance Committee.

Now, we have heard them congratulating themselves as the only Members in the Assembly capable of protecting public funds.

One Member, I think it was the Third Elected Member for George Town, even went as far as to claim that the present surplus and reserve position is only there for one reason, and that is because they controlled Finance Committee in December, 1989.

Now, Mr. President, that is really stretching self-praise a little too far, because the fact of the matter is, that most of that surplus and reserve was not created since December 1989, although all of it, in total, was created since 1984 - because that Member left us with a bankrupt government in November 1984. And he was on this side setting the policies at that time.

For them now to claim that because they dropped or stopped, or blockaded or sabotaged or any other adjectives that they want to use, for worthwhile needed beneficial programmes for the public of this country and on that basis created the surplus and reserve position. Now a word about that, the listening public know better than that because history will record what went on.

They have also, again, tried to whip the people up to try to get support on the emotional issue of taxation and said that this motion is going to bring great taxation.

One poor old lady in Cayman Brac spoke to me over there and she was really concerned. And she had reason to be, because she told me that she had signed the petition, but that she was not really against Capt. Mabry, but that she could not just put up with these taxes he was putting on her. I said, "Well, Ma'am, can you tell me what the taxes are that you have been told that motion is bringing?". And she named two of which had been told. One was that drivers' licences were going to \$400 per year and that she was going to have to pay 10 cents on every dollar in taxation that she earned.

Now, I know that they have exposed their flanks in several other areas on this issue of taxation and have intimated to the public the areas which they would like to see taxed in many forums, but that was the first that I heard about them introducing income tax, because that is what 10 cents on the dollars meant.

I have seen in the Parliamentarian where they feel that one good source of revenue is important garbage. Anyway, it will be very interesting to see what their position ... (I am coming to that - important garbage) ... is going to be if and when the Honourable Financial Secretary bring revenue measures and those two items are not included; and the other items, that they have touted that are going to be there, are not included. I guess Sir, they will become once again the People's Champions, saying "See we blocked it! We blocked it! Truth of the matter is, they are the only ones that are talking about those kind of taxes.

There is some little verse in the Bible and I am not a christian fanatic so I cannot quote it chapter and verse, but it says something about, "so a man thinketh so a man doeth", something to that effect or, "as a man thinketh so is he". Anyway, the people have to be careful with these things that they are saying we are going to do because we heard a lot about the constitutional change that they want, the independence that they want and how they are going to achieve that by removing the three Official Members and

.....

POINT OF ORDER

MR. TRUMAN BODDEN:

Mr. President, on a Point of Order, that statement is misleading and misrepresenting no one here said that, at least, I did not and there is a general statement that we were asking for independence.

MR. PRESIDENT:

Perhaps the Member would clarify what he said.

HON. D. EZZARD MILLER:

Mr. President, I did not identify that Member as having said that. The fact of the matter is - and I am going to get to you in a little while so do not be in a hurry, just take your time, I am going to deal with you.

One speaker on that side yesterday gave great credence to the Young Businessmen's letter in the paper and gave the clear opinion to myself, an indication that he supported what they said and they supported him.

POINT OF ORDER

MR. W. McKEEVA BUSH:
He is referring to me.

On a Point of Order, Mr. President, will the Member give way?

MR. PRESIDENT:
come to the next please.

I would have had the first Point of Order dealt with before we

HON. D. EZZARD MILLER:

.....and Mr. President, you must remember you know that the new thing with them is that they speak collectively. There is no more independence over there, there is no more "I" it is all "We", We seven". When that starts to pinch and bite them they are all scattering and the marriage of convenience is breaking up. One wonders if they have introduced the credence of collective responsibility over there because it was not me that said they speak as "we" it was them. These people in here and those speakers over there, some of them have insinuated that we need to remove the Official Members from the Parliament and to do that you have to go independent....

MR. W. McKEEVA BUSH:

Bring the proof. Bring the proof that we said that.

HON. D. EZZARD MILLER:

I will get the transcript for you...

MR. W. McKEEVA BUSH:

Get the transcript, that will prove it....

MR. TRUMAN BODDEN:

On a.....

MR. PRESIDENT:

Order, let us take this slowly.

MR. TRUMAN BODDEN:

produce the transcript where any member on this side has said we want independence and if not I am going to ask you for a certain course.

...On this same Point of Order I would ask the Member to

HON. D. EZZARD MILLER:

get technical. I have not said....

Mr. President I have not said ...if he wants to get technical, let us

MR. W. McKEEVA BUSH:

Tell the truth!

HON. D. EZZARD MILLER:

I always speak the truth....

MR. W. McKEEVA BUSH:

That is not telling it now.

HON. D. EZZARD MILLER:

....you shut up and listen you might learn something.

MR. W. McKEEVA BUSH:

Not from you!

MR. PRESIDENT:

Order!

HON. D. EZZARD MILLER:

the three Official Members is a defacto position and that they must set the date for independence once they do that. Now tell them to prove me wrong in any constitutional Law if that is not the steps.

Mr. President, I have said that their recommendation to remove

POINT OF ORDER

MR. TRUMAN BODDEN:

that this country must go independent...

Mr. President, on the Point of Order, he had stated that we said

MR. PRESIDENT:

transcript for that.

I am not sure that he did say exactly that, we may need a

MR. TRUMAN BODDEN:

If not, there is misrepresentation in his implications.

MR. PRESIDENT:

argument is,(and he will correct me if I have not understood it rightly), that certain Members of the House commended statements made in a letter to the newspaper by an organisation and that as a result of that, he infers that those persons are supporting the removal of the Official Members from the House and that this implies independence in normal constitutional progress. That is what I understood him to say.....just one minute if you would.....would you confirm that please? Would you confirm that or otherwise have I understood that correctly?

If I may have a word. As I understand it, the Member's line of

HON. D. EZZARD MILLER:

Yes, Sir, in my opinion that is what it means.

MR. PRESIDENT:

Now would the Third Elected Member for George Town like to

say what his Point of Order is on that?

MR. TRUMAN BODDEN:
with the Point of Order.

I would like to look at the transcript of what he said before I deal

MR. PRESIDENT:

Well we will defer this until we have the transcript.
The First Elected Member for West Bay was rising on another

Point of Order in the middle of that.

MR. W. McKEEVA BUSH:

If the Member is prepared to give way.....

MR. PRESIDENT:

You are sure it was not a Point of Order?

MR. W. McKEEVA BUSH:
the Member for George Town raised.

Well Mr. President, I was rising on the same Point of Order that

MR. PRESIDENT:

Well we will defer consideration of that them.
Will you continue?

HON. D. EZZARD MILLER:
anymore unnecessary interruptions.

Yes, Mr. President, and I hope I will be able to continue without

Members from this Parliament, the Parliament has to set a date for independence. I stick to that opinion, and they are going to do a lot of squealing before we finish here today. I sat here for three days and I took everything they had to throw at the Government bench. I made my notes; now I am going to reply.

They are not going to like a lot of what I am going to say but I would just ask you as President of this Honourable House, I am getting tired of these interruptions now, and they are not designed to mean anything, they are just trying to throw me off the track and the point that I am making. Unless the Member first quotes, brings to the attention the number, section, and sub-section of the Standing Orders under which he is rising on a Point of Order, I am not prepared to sit down unless ordered by the President, because they are not raising Points of Order, they are taking part in the debate with explanations. They must raise their Point of Order, sit down and let the President rule whether they have a Point of Order and I will abide by the President's ruling. That is the procedure for the proper decorum in the House and that is what they must follow. The President went as far (earlier on in the life of this House) to put that whole procedure in writing to each Member so they will have it. They insist on getting up here under the guise of a Point of Order, and make explanations. They have had their four hours to explain and expound on anything they wanted.

But, the position is I submit, that if we remove the three Official

MR. PRESIDENT:

Would it be convenient to take the lunch break there?

HON. D. EZZARD MILLER:

Yes, Sir.

MR. PRESIDENT:

Proceedings are suspended until 2:15 P.M.

AT 12:45 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:45 P.M.

MR. PRESIDENT:

Proceedings of the House are resumed.
Before the debate continues, I am still waiting for the complete documents to study the Point of Order raised before lunch.
Honourable the Member for Health.

Debate continuing on the Government Amended Motion, the

HON. D. EZZARD MILLER:

Yes, Mr. President, prior to the lunch break, I was challenged by the First Elected Member for West Bay to produce the transcript where he said that the Official Members are leaving the door open for corruption to walk in. The Sergeant-at-Arms has copies of the transcript which he can deliver at his leisure and this is what the transcript says. It is the unedited transcript of the 27th June, 1990, Debate on Motion to Reject the Standing Orders Committee's Report on Standing Orders.

The fourth paragraph of this says:

"and I say again, that by putting those civil servants on Finance Committee is leaving the door open for corruption to walk in. Let it not happen Mr. President."

So, let the record speak for itself because the only civil servants that are being put or attempted to be put on this Finance Committee are the two Official Members. I therefore

stand by my deduction and opinion as to what he has said.

MR. PRESIDENT:

The First Elected Member for West Bay.

way?

This is, in essence, a Point of Order so would you proceed that

MR. W. McKEEVA BUSH:

Thank you very much, Sir.

Mr. President, the record shows very clearly what I said and the Member definitely quoted what I said. But, I do not see how he could infer that I was saying that the Official Members were corrupt. They themselves I do not think, could deduce that from what I said. The whole world knows who are the 10 percenters in this country. Not the civil servants. I have not accused them.

MR. PRESIDENT:

No, I think that the Member for Health did not say that you said they were corrupt, I think we should be careful about this. I think what has been said is said and the record is there. He did not say, that you said, that they were corrupt so you do not have to be concerned about that. He quoted exactly what the records said only.

Please continue.

HON. D. EZZARD MILLER:

Yes Mr. President, and as for his latter remark about who the 10 percenters are, I think the world knows the story about most of us and who has mushroomed since being elected, etcetera, etcetera, and has done better than they were doing before. But, we will let the public be the judge of that.

The Honourable Member for Tourism once told me in the heat of the 1988 Election Campaign, when he was being accused of all sorts of things, that the greatest thing in the world is a clear conscience. I have a clear conscience. I do not have to worry about that. I sleep well at nights.

To get back to the motion, and the Members who have said that the success of this motion will lead to a spending spree by Government and that they have been the great protectors of the people, that this motion will lead to mass taxation, etcetera, they have said that this will be necessary because Government intends to reintroduce its expensive projects which are bad for the country and the people need to be protected from these programmes which are not needed and are expensive, grandiose and which they successfully blocked with their majority in Finance Committee.

While I am on the subject of Revenue; measure, taxation; and what alternatives are possible, and what have been put forward, we have just had circulated to us the Parliamentary Journal of the Parliaments of the Commonwealth of January, 1990, which carries within it some reports on the recent Parliamentary Conference in Barbados at which this Parliament was represented by three persons being, the First Elected Member for Bodden Town, the First Elected Member for West Bay and the former Second Elected Member for Bodden Town. Under the topic on page 63, I found some very interesting reading dealing with 'REFUSE DISPOSAL, HOW DO SMALL STATES COPE WITH WASTE' and on page 65, the penultimate paragraph reads:

"The Cayman Islander also supported public education to convince consumers, and therefore voters, of the need to minimize waste. He suggested that Caribbean and Pacific Islands could find that waste reprocessing was a lucrative business. Japan and Korea would be willing to pay people for such a reprocessing service and there were enough idle ships in the world to transport this waste, he suggested."

Now I do not know if that is one of their alternatives for revenue, that is the importation and disposal of garbage but it is not one that the present Government would support.

Let us look for a brief moment at the four projects that they said they had to save this country from and let us examine these to see if they had any value to the country. These were supposedly expensive, grandiose and unnecessary projects. Let us look first at the sub-Post Office for George Town which they have labeled the Westshore Centre Post Office.

The facts about that sub-Post Office are that it was not a very expensive project, in fact, the project would have made for Government, while repaying the financing provided by the developer, some \$25,000 per year profit. While making that \$25,000 per year profit for the Government's Treasury, it would have provided a much needed service to the people of George Town and the people living on Seven Mile Beach. It would have provided between 2,500 and 3,000 additional post office boxes for the people in this area at a profit. Instead of the developer, Mr. Norberg Thompson, (one of the better developers of the country), being praised by these people for assisting Government in providing this much needed service to the people of his community, he was attacked from the floor of this Assembly, ridiculed and told he had no right to lobby Members to get this project.

Here is a project that could have paid its financing, made a profit for Government while providing a service for Government that no one can deny is badly needed. The waiting list for post office boxes in George Town is in the thousands. The blockage and depriving the people of George Town of this needed service; forcing the continued suffering of these people by not having this service, depriving Government of \$25,000 per year profit, can that really be a case of where the Backbenchers can claim they protected the public and the funds in the Treasury? No, Mr. President. They did this while commandeering additional funds to buy land for a Post Office in West Bay and to get improvements to the Post Office in West Bay,

but deprived the Treasury of \$25,000 profit and deprived the people of George Town of a service that they need just because they had the majority in Finance Committee to do it.

Let us look at the, "Jennet T". An expensive road, yes, but badly needed. Caymanians are suffering on a daily basis trying to get out of Jennett Street in traffic jams. The developers who have put developments in that area have paid millions of dollars into Government's Treasury in the form of import duties and other fees, yet because they had the majority, they wiped them off. The Caymanians who work in those areas are paying the same licence fees for their cars as the rest of us are but yet, they were deprived of this needed service. Other developments could have taken place, which would have led to millions of additional dollars on import duties and other fees coming back to the Government's Treasury. Can it be argued that that was sound financial action and that they were protecting the people while they were commandeering \$200,000 to build slaughter houses?

Let us look at the Hospital. The Third Elected Member for George Town said yesterday that we were told to bring it back and take a phased approach. Mr. President, that is the approach the Government took. It was a 15-year Plan. It was not all going to be done this year. What did they do? They refused to provide the funds for the continued development of the project. They have claimed that the doctors, particularly some of those in the private sector, do not support it. There is probably a good reason why they do not. It has nothing to do with the needs of the community.

They had one of them on their platform the other night making his charges about the increase in fees. Yes, we have increased the fees, but we certainly have not yet reached his level. He is still higher than what we are charging for a consultation fee. My information is that when we charge him \$2 or \$3 to do a Lab test, he adds 30 or 40 per cent on to it before he passes it on to the patient. So you can see why they do not want me to increase the fees at the hospital, because it is going to reduce their profit margin.

We were told a lot yesterday and days proceeding that about corruption, you know, corruption can not only take place in Governments any where in the world being corrupted to bring forward programmes. Corruption can also take place in Governments where Governments are corrupt and stop programmes from coming forward because they will have material effects on the people who are corrupting the Government. We all know and see who the doctors are hob-knobbing with and charter planes with, making one statement one week and another the next week and claiming that Government is putting all kinds of stumbling blocks in their way, nothing could be further from the truth.

I would like to reply briefly to something that was said about Hurlstone Construction Company and them getting contracts from the present Government. Now, from what records I can find, it is my understanding that prior to 1984, the Public Tenders Committee did not award contracts. It did not select the contractor that did the work. It simply made a recommendation to Executive Council to have the work done by a particular company. Executive Council, prior to 1984, decided who did the work and it has been said in fact that they were not obligated to take the recommendations of the Public Tenders Committee. The Airport contract was one such contract that was awarded, my understanding is, not to the lowest bidder, but awarded to Arch & Godfrey. The world knows what, if any, political connections they have and have always had.

I would like to point out that any contract that Hurlstone Construction Company has or has received from this Government has been awarded to them by the Public Tenders Committee, on merit and on a final decision of the Public Tenders Committee. In fact, I have heard Members say that on the Community College project they have to lose money because they under-bid the nearest bidder by C\$600,000. I do not know who all the Members of the Public Tenders Committee are, but suffice it to say, that one of the owners of the larger construction companies is on the Public Tenders Committee who is awarding these contracts to Hurlstone Construction Company on a merit basis.

There are a lot of other charges about the sub-contractors and all that kind of stuff but I do not have any evidence before me to substantiate them so I will not deal with them.

Let us look at the M.G.T.P. the Master Ground Transportation Plan. It was not going to be implemented in 1990. It was a phased development but we were working to a plan so that in the final analysis, we would have a system of roads that could move cars and connected properly with each other and provide a transport network that could work. That is what it was all about! The Budget for 1990 contained the money needed to be spent in 1990 out of General Revenue. You have heard them lament that they were not told what the final cost was going to be and where the money was coming from.

The present Honourable Member for Communication, Works and Agriculture had a meeting with all Members of Parliament and he presented to them under a confidential cover, the scenarios of where the revenue could come from developed by the Economic Development Unit in Government. That is where they get this information you hear them touting over the streets about what revenue measures are coming. But then, they tell the public they did not tell us how they were going to pay for it, they never told us how much it was going to cost. It was a five-seven year Plan.

This country cannot afford to continue to meet the whims and fancies of local minded parochial politicians in building roads that connect to nowhere and creating models "X". We have to work towards a system. Whether they like it or not, the traffic situation in the Cayman Islands has to be addressed.

Of course, you must not forget the recommendation of the Third Elected Member for West Bay, that unless you are in for six hours and compare it to the New Jersey turnpoint, do not talk to him about traffic jams. The fact that his constituent members are down along the road there they have to leave home at 3:00 A.M. to get to work at 8:00 A.M., does not bother him. He could do what the departed Second Elected Member for Bodden Town said, drive on the dyke roads. You do not need anything better than that, you do not deserve anything better than that! Drive on the dyke roads. That is what he does.

It should be pointed out though, that it was not the present

Member who developed this M.G.T.P., that was developed by the then Hon. Capt. Charles Kirkconnell, who was then the Member for Communication, Works and Natural Resources, during his tenure of office from 1984 - 1988. He worked with all the technical people, he worked with all the civic organisations, he worked with the public and they came up with that plan. Now I understand he is campaigning against it and against this motion because it is an outlandish plan.

The present Member for Communication Works and Agriculture, in spite of the Backbenchers' orders in Finance Committee, (that it be wound down and forgotten about), and that we build only roads in their constituencies, which do not necessarily lead anywhere, but he is looking at ways of revising the plan and bringing it back.

That former Member should not be involving his Church Ministers and getting them to preach sermons against the Government's programmes and that these are such bad programmes when they were his programmes and we were only trying to get it put into fruition.

You see there is a clear difference in the approach to Government, between the present Government and the other side who wish to govern. Probably at some they will govern and that this present Executive Council believes in planned systematic approaches and in particularly long term planning. We tell our supporters and other investors who come here that this is our plan. If you can fit in this plan, fine, we welcome you. Their approach has always been one of discretion. They have no long term planning. What did you want to do? That is our plan we will fit you in. And that can only lead to chaos. We had eight years of that, Sir.

We believed in the planned approach, to avoid this management by crisis that we will have to have done, some of it because of the mess we found and, because nothing had been done for so long. From 1984 - 1988, we did some crisis management, I was not a part of Executive Council at that time, but they did some crisis management. They did some long term planning and we are continuing the long term planning process. No doubt when they get in power they will do what they did in 1976, they will scuttle the long term plans and get to their ad hoc relief of minor ailments rather than treating the whole disease.

I would like to get back to the challenge I issued earlier in my debate to the seven Backbenchers who want Westminster style Government, Westminster traditions who do not want Official Members on Finance Committee, to move a motion in accordance with the recommendation of Lord Oxford and Asquith to reduce the numbers in Finance Committee to seven members, the four Elected Members of Executive Council and three Backbenchers. That is really going to throw the cat among the pigeons, because they are going to have a hard time deciding which three among them are going to make up the three. It would be of great interest to me to sit here and see them try to sort that out.

If they are so concerned, let them move the motion.....

MR. W. McKEEVA BUSH:

If you withdraw this one.

HON. D. EZZARD MILLER:

need to withdraw this. You move your amendment,

No, you can move an amendment to this motion, there is no need to withdraw this. You move your amendment, we will support it.

the Report of the Standing Orders Committee.

Mr. President, I support the motion before the House to reject

Thank you.

MR. PRESIDENT:

Does any other Member wish to speak?
The Elected member for East End.

MR. JOHN B. McLEAN:

No. 3/90 which is presently before us.

Mr. President, I rise to oppose the motion, Government Motion

I must say that I am even more shocked than ever about this motion after listening to the last speaker. I am shocked to see the extent to which he has taken his argument and it is disturbing to know that he would have taken the Report of our last Budget and tried to make the Backbenchers look, once again, like the worst people in the world.

I am wondering if that Member has forgotten that he has also signed this Report like each one of us. He was also included in the vote of thanks which was given at the end of that Meeting.

Sometimes it would do us all good to try and put certain things behind us because we felt on this side that after sitting in the Finance Committee for five days and negotiating what was best for this country, on the able guidance of the Financial Secretary, we did everything in accordance with our Standing Orders.

At the end of that day when we concluded, we on this side felt that we had proved among the 12 of us, that we could reason and work together and it was for this reason that we offered this vote of thanks which was presented by Mr. Truman Bodden, the Third Elected member for George Town. It reads as follows:

"The people of the Cayman Islands and Honourable Members owe a deep gratitude to the Honourable Financial Secretary who has so ably and patiently and in a statesman like manner presided over a most difficult five days in Finance Committee ending at 10:22 P.M. on the 20th December, 1989.

The eight Elected Members and the four Executive Council Members were able to bring about agreement on a Budget and avoid much confrontation which otherwise may have ensued without the Financial Secretary's wisdom, knowledge and patience.

We thank God for this achievement which is in the best interest of the Cayman Islands and for the cooperation between the Elected Members which we hope will continue in the future."

Mr. President, you know, I see it as ridiculous when the efforts were made here for a Member to get up and to try to tear apart what he was actually once a part of because I recall at no time in there that a gun was held to anybody's head to vote for or to disagree with. He had his say as much as anybody else.

What I find most ridiculous is to see that he feels that many items which we have placed in this Budget for our various districts is wrong. He did not say that in so many words, but it leaves one to wonder about this Member because his district, North Side, was also included in the monies which he claims, and if one would listen to him it would seem as if we did this illegally.

We have in our Financial Secretary, contrary to what those four Executive Council Members think, a capable man and I am certain if he was not satisfied that everything was done in the right way, he would have reported it and action would have been taken. I resent this stupidity. To me he could have dealt with the motion which is before us in a much more orderly fashion than the way he conducted himself.

I mentioned a while ago that I have to oppose Government Motion No. 3/90 in its present form. These Islands have enjoyed peace, order and good government for many years.

This cannot be done by a minority Government proposing a Draconian Motion. Not only are the adults in this country concerned today but if you speak to some of the school children, they are very much upset about this motion which is presently before this House. It is not only the seven Backbenchers that are showing their concern, it has created unrest in this country.

What is more disturbing to see is the attitude of the present Executive Council towards the Chamber of Commerce, the press, the Young Businessmen's Association and actually against everybody who has spoken out against this. This is not right! We hear of the press being muzzled in Communist countries, we hear of associations such as those I have mentioned being penalised in Communist countries. We have enjoyed a democratic system of Government all of our lives here and I warned the Government to refrain from doing this. It is wrong to ridicule individuals or the Chamber of Commerce on the floor of this House, quite well knowing that they do not have a recourse. It is not fair and it is not good governing to see four Elected Members of Executive Council acting in this fashion.

I would further warn that these are areas which investors are quite sensitive to. Indeed these are matters which destroy stability in any country and already as I pointed out, we have seen much unrest in these Islands quite recently.

I believe that this matter, contrary to all that we have heard from Executive Council Members, is one which is very closely linked to our Constitution and if this was not the case it is strange that certain recommendations have been made by Lord Oxford and Asquith in the Report.

I find in this motion where but in one section which I have no problem in supporting or I should say, there is one section which makes sense. I am speaking of the very first section which reads as follows:

"WHEREAS the Standing Finance Committee of this Honourable House presently sits in private so that the public are excluded from its proceedings."

I totally agree with the recommended amendment to this so that Finance Committee can be heard in public and it is my hope that when this motion passes this House, that the Government will see fit not to just put on what is their choice for the people to hear but indeed, to let all hearings of Finance Committee be aired on radio.

It is the people's money and it is my opinion that they should hear exactly how it is handled. So, I have no objection to that part of the motion.

MR. PRESIDENT: Excuse me, would it be convenient for you to break there?

MR. JOHN B. McLEAN: Yes Sir.

MR. PRESIDENT: Proceedings suspended for fifteen minutes.

AT 3:19 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:50 P.M.

MR. PRESIDENT:

Proceedings are resumed.
The Elected Member for East End, continuing.

MR. JOHN B. McLEAN:

Mr. President, when we took the break I was about to deal with a few more matters that were raised by the last speaker.

The Honourable Elected Member for Health said that what was done in this motion, or the early draft of this motion, had been agreed by the First Official Member. I know as well as he does exactly how Executive Council operates. I know as a fact that the four Elected Members are in a majority in there and that in this case, it is my opinion, that the Honourable First Official Member who is our Financial Secretary, had no choice. So, I do not know who the Elected Member for Health is trying to fool.

He emphasised that he was going to wait until next week to see what sort of treatment we would give to the Honourable Financial Secretary when he was introducing new revenue measures.

Again, I see this as an outright attempt to blame the Financial Secretary because again, we on this side know exactly how this is done. It definitely would be presented by the Financial Secretary but the revenue measures first of all, have to be approved by the four Elected Members. So we will not be attacking the Financial Secretary, we will be dealing with them as we have done in the past.

If we have to criticise them, we will criticise them and indeed, we will not be taking any personal attack on this gentleman. If he had in them, the friendship he has in the seven of us on this side, he would not have to go through the agony that this motion has put him through today. So I do not know why he continues each time he opens his mouth to try to fool the people.

I hope and trust that the majority of the listening public have heard what I have said on it, because he is misleading, the way that he made that statement this morning.

He went on once again, trying to make the earlier speakers look bad by saying that, in other words, they did not know the difference between the Governor and the President. Let me say, a rose by any name is still a rose and if any Member has referred to that as Governor, we know it will be the same individual so that is no great excuse. I did not even see the necessity for it.

One thing, Mr. President, I crave your indulgence to allow me to read from the Report, which he also dealt with and read from, the remark about the Backbenchers regarding the strengthening of the Police Force. I think words were used, (and I am not trying to quote him verbatim), but he said something that as much as we talk about law and order or crime, that in the Budget a request had been made for 22 police officers and that we had seen fit, once again, to cut this to 11. This is nothing but untruth and the minutes can prove me on this. Item No. 5, headed Police:

"This request for 22 new posts is one of the single largest request for new staff in the Budget. The Government and Backbenchers support the policy of Caymanianising of the Civil Service. There is public concern for the large number of foreign police who are recruited into the Force. We, the eight Backbenchers, believe that the Police recruiting is lacking in its efforts to attract Caymanians to the Police Force compared to other departments for example, the Fire Service which is nearly fully Caymanianised.

We, the Backbenchers, are therefore marking 11 of the 22 posts for Caymanian-born and would like to see that any of the other posts which may have to be filled by foreigners to be trained Police constables on non-renewable contracts, not exceeding two years, with no chance of promotion here.

We request that the Honourable Member responsible report to the Finance Committee in relation to his progress in recruiting Caymanians and that he consider beginning a public relation effort to improve the image of the Police Force. We also request that present senior native Caymanian Police Officers be sent on further advance training courses as early as possible and that they be given every opportunity for promotion."

Mr. President, like I said, it is bad to know that the Member would try to reach the public with false information, when it is so clearly laid down in here. All we were saying in Finance Committee was what was correct. Unlike himself, we believe in trying to put our people in the Force. We did not cut out anything. We said to the Member concerned, we are prepared to give you 11 foreign officers and try and recruit 11 Caymanians. So how could he make out of that that we had only given 11? I am sure the Member with the responsibility is going to speak on this motion, he too could bear me out to what I am saying as being true. But it is very annoying to see the extent that this Member will go to try to prove a point and to try to put down the seven Backbenchers.

I am sick and tired of it, you sit here and try your best for this country and its people and there you go, people like him trying to tear you down.

He went on to try to place around our shoulders the matter of independence. Again, no such statement was made. I have never heard any of my colleagues on this side of the House mentioning putting the three Official Members out of the House or advocating independence. I will tell you what, I have heard from among the four Elected Members of Executive Council Members, certain remarks, not recently, but what would lead me to believe that they would like advancement in the Constitution. But I have never advocated independence because while we can boast of our prosperity in this country, we still have nothing to go

independent for.

I speak on behalf of the seven Backbenchers although they do not like to hear that. Because again, they should, (instead of trying to split us up, which they cannot do, I assure them), take an example from the way that we work together. This morning when the Member was trying to mislead the House and the public about the Backbenchers not wanting to give a subsidy to Cayman Airways, you could see the difference of opinion over there. The Member responsible for Tourism Aviation and Trade was sitting there agreeing with us that we gave it. You do not see that, among us, not to say that we do not have our differences, but we do not wash our dirty clothes in public and we respect the wishes of each other. We do not try in any way to embarrass each other. We talk over our matters when or where they should be talked over.

I would like to point out that if the Member would just retract his memory, he will recall who said that it was time for a Constitutional Review. So perhaps, this is where he is confusing independence. It was not this side that said, "it was time for it."

He went on to talk about the \$6 million and the way that we had turned down their grandiose schemes, taking the money and distributing it among our districts, I have no apologies for that. No apologies! I was placed in this House not by two extra votes, I was placed here by the majority of my people and firstly, I have to look out for the people of East End.

I am pleased to note that we have on this side of the House, seven or eight, because when we were in Finance Committee, it was eight of us together, we have eight who actually did for their districts what the four Executive Council Members were refusing to do. For the last few years, it is a fact, especially in the case of my district which has been left out in many instances and I have been constantly making requests. Requests which are minuted because I have read them at every opportune time that I could.

One thing about it, in all that he has said, as much as he tried to put us down, the fact remains, we took a completely different attitude and we felt that he had an obligation also to his people in North Side and we also shared with him the \$6 million. So I do not know what he is talking about Sir.

I will tell you that, unless he has had a change of heart, and he now feels that it was wrong for him to get something for North Side. I do not feel that way, I think we did what was right and as I said, there are no apologies from my side.

The roads going to my district are probably the worst on that end and I was most happy to know that I had the support of the Members on this side who respected my requests and that I could have in that Budget, the monies which he talked about this morning. For my other projects, it is a known fact, I have defended the farmers in this country since 1980 and I will continue to do so.

I know exactly what it means if a farmer has a bulldozer at his disposal and I was happy with the help of Mr. Franklin Smith----- who has resigned, to secure monies for a bulldozer for the farmers and I hope, (instead of the Government trying to talk about it on the floor of the House), that perhaps we could speed it up so that we could have it at the disposal of the farmers.

He spoke about a bulldozer at the Central Funding Scheme so let me clear that up. It did not make sense to spend \$20,000 on something that would not be at the disposal of the farmers. The farmers have suffered from that for too long and that is why we took the stand we did.

As far as I am concerned, the five-Year Development Plan which the Honourable Elected Member for Communication Works and Agriculture brought here a few days ago, will bear me out that it is necessary that Government should give this sort of assistance. So what is he talking about? If they had only listened to me. This same Plan that is presently laid on the table here, I was also right in that Government should have purchased property so that farmers would be able to have it at their disposal.

In that same meeting, I suggested that it had been brought to my attention that one of the largest farming areas in my district was up for sale. He picked on that this morning, that I did not have any figures on it. That is incorrect because the Honourable Member for Communication Works and Agriculture knows that I gave him a figure of some \$450,000. He assisted me as much as possible and had a valuation done by the Lands and Survey Department. It was felt that the value that was placed on the land was too high for Government to buy it, so, what else could I do? I tried. Anyway, like I said, again I was not wrong because that is one of the recommendations right in there.

He tore into us about the Revenue. He said we did not know where it was coming from. The Third Elected Member for George Town here on my left and myself, have dealt with more Budgets in this House than that Member will ever do. We know how the Revenue has to be raised and the fact remains, it was their Budget, they were putting it up. We only helped to balance it with a million dollar surplus by cutting some of these schemes that would have no doubt, created chaos in this country. We knew where the revenue would come from, and we were hoping that they did not have anything hidden in bags to pour on us such as new tax measures. I suppose if we were not able to trim the Budget, perhaps it would have been a lot, (as far as taxes are concerned) that would have to be pulled out of their hats.

He went on to say that the Government was contented with the United Kingdom. This in itself defeated his argument because, if it was that they are satisfied with the traditions of the Mother Country, why is it that at present they are making every effort to try and get away from the system of Finance Committee which we have enjoyed? If they believe in it for one thing, they should follow it with the other.

He went on to talk about the famous M.G.T.P., and how we had paid out in the Budget \$250,000 and he did not consider it value for money. Yes, we agreed to pay \$250,000 for the winding down of the Master Ground Transportation Plan, it is a fact. But, it was done on a suggestion of the Government that this was necessary because of contractual obligations. Why wind it down?

The reasons for winding it down are, as I have stated, this country could not at that time afford it and it is my opinion that we are still not in the position to afford such a

scheme at this time. Regardless of what he wants to say about it being over several years, that is besides the point. It has to be paid and that is the worrying thing, Sir. As sure as this goes into place and now I have a fear more than ever that it will go in place, we are going to be faced with many new tax measures. That is my opinion. The money has to come from somewhere to pay for it. I am sure that is where it is going to come from.

As I mentioned earlier, it is very distressing to know the extent to which this Member has gone to try to put us down on this side. Talking of not being willing to work with Executive Council, that is far from being the truth and I will refer again to our action on the last Budget. Although heated at some times, we worked together and that is a fact which he cannot dispute.

He also talked about, who moved the Motions for the various projects. He talked about the way that we each made it known what we had tried for. Common-sense would tell anybody that. Why should I give credit to someone else for something that I achieved for my district? I did think the Member would do that. I am certain that he is happy to brag for the various things he has achieved for North Side, so I could not see the rationale behind his argument, with regard to the Backbenchers being listed in the Report as having suggested various projects.

He again spoke on the ambulance for the eastern districts and that because of the way we had arranged for the Motions to be put that, he did not have a chance to move the Motion.

He had no right to move the Motion. The first Member that thought about that ambulance for the eastern district was myself, I did not move the motion but I think I deserve the praise for it. I heard him say that someone had said, that he did not support it. I did not say that he did not support it, but what I said was, that I first approached the now Honourable Member for Education years ago and he said to me that he had checked it out, and it was going to be too costly for the number of trips, which it would be run into East End. He can answer for himself.

I told him that as far as I was concerned, if it was only one trip for the year, the life we may save we could not weigh against the money. At that time, the now Member with the responsibility for Health, agreed with me because he was on this side of the House and I approached him on the matter saying that he was from one of the eastern districts. He gave me the assurance. However, it was not done by the now Member for Education and I felt that when the Elected Member for North Side was placed in Exco, knowing the situation and coming from the district, would have given me his support.

He told me almost verbatim, what the Elected member for Education had told me before and if it was not for the respect and cooperation of the Members on this side of the House, we would not have had the money in the Budget for that ambulance. He talked about not knowing the correct figure. I knew we did not have the correct figure but I was making every effort to secure some funds in the Budget so that we could have something to start with. He knows that when he produced the correct figure of \$45,000, it was no argument. He came back with the figures on the number of staff that was necessary to operate it and we voted those funds. So, to me, I am sorry that I have to answer these points that he made but I think it is necessary because the public need to understand where he stood in this matter.

I am pleased to know that since we had the funds voted, that he has a different attitude. I give credit where credit is due. He has assured me that everything is being put together and hopefully by the end of the year we should have the ambulance in service. I appreciate this but the point I am making is that the ambulance is not for John McLean, it is for the people of the eastern districts, who deserve no less than those from any other part of the Island.

I was shocked when I heard that he had introduced Cayman Airways Ltd. (CAL) once again on the floor of this House. If I recall, some time ago, there was a request asking that we try our endeavoured best to leave it out of here because it was not doing the airline any good. I hope the personnel of Cayman Airways will take note that this time it was not introduced by the Backbenchers but indeed, by one of their Executive Council Members and I am speaking of the same Member that I have been dealing with.

Again, I have to refer to this Report and it is unfair of the Member to have tried to mislead the public and tried to make them believe that we did not want to vote the subsidy for the Airline. I mentioned this a while ago but I want to go a little more in depth with it now.

I know what he read from the Minutes this morning but what was said to the Honourable Member with the responsibility; we requested certain information and the delay came as a result of that. It is quite clear here we have requested from the Honourable Member certain information, the documents which he promised in Finance Committee with regard to the 727 and other operational figures. We felt that it was only correct for the large sum of monies which were involved, that we should have the information and the documents so we could look at them before going ahead and authorising this sum of money.

We also felt it was necessary to speak to the personnel from Cayman Airways and we requested that. What we said here was, "the eight Backbenchers agreed to approve the subsidy for Cayman Airways Ltd. of \$1,050,000 but asked that the following form a part of the Minutes of the meeting held on the 20th of December".

Not only did we vote the funds for the Airline's subsidy, but we also voted a further \$1.25 million which at the time, the Airline was taking up a new route to New York and it is quite clear here, that not only are we allowing a subsidy, but we are also allowing \$1.25 million of the Government's Budget for advertisements in New York which is substantially aimed at assisting Cayman Airways Ltd. on the new York route in an effort to attract visitors from the north-east U.S.A.

So, it shows here once again, that in an effort to try to make the Backbenchers look bad in the eyes of the public, every attempt was made by the Member.

Before inviting the personnel from Cayman Airways to the meeting, and I will continue to read here:

"The Honourable Norman Bodden with leave of the Chairman, made the following introductory remarks. He stated that Finance Committee had requested the Chairman and Managing Director of Cayman Airways Ltd. to attend a meeting to justify Government's subsidy in the 1990 Draft Estimates and to brief Members of the seriousness of Cayman Airways Ltd.'s current position concerning, what he termed, an alarming loss of revenue in the capable earnings of the company particularly during the month of November and up to the 7th December."

He went on to state that:

"Cayman Airways Ltd. Flight 042 was losing up to 50 per cent of its passenger load as a result of many U.S. passenger Airlines now servicing the Islands. He pointed out that in view of the situation, that CAL and Government would have to take a decision on several things".

and No. 1 was that the National Airline should close down.

I know that I can speak on behalf of the Members on this side of the House, none of us would like to see the National Airline close down because we are aware that many of our people in this country would be out of jobs, so we were just making sure by asking questions before we released the subsidy to the Airline.

I can see nothing wrong with that. I believe today that we did what was right, as I have mentioned many times on the floor of this House, I have always supported our airline and whatever I can do as long as I am in this House to keep it going, I am prepared to do so.

Once again I have to say that it was very bad for the Member to have brought this back here, and I give the assurance to the Member for Tourism that whatever I can do to assist him with that Airline, I will do so.

Now that I have concluded dealing with these nasty remarks and allegations that were made, I will start to speak on the motion.

MR. PRESIDENT:

May I interrupt you?

you are now taking a major change.

It might be convenient for you to break for the adjournment if

MR. JOHN B. McLEAN:

That is fine, Sir.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:
o'clock tomorrow morning.

Mr. President, I move the adjournment of this House until 10

QUESTION PUT: AGREED.

**AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,
THURSDAY, 28TH JUNE, 1990.**

**THURSDAY
28TH JUNE, 1990**

10:14 A.M.

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

MR. JOHN D. JEFFERSON, JR.: 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 we may be enabled faithfully to perform the responsible duties of our high office.

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

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

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

OTHER BUSINESS

MR. PRESIDENT: Proceedings of the House are resumed.
Item 2 on the Order Paper, Private Members' Motions. Private Member's Motion No. 12/90, the First Elected Member for Bodden Town.

**PRIVATE MEMBER'S MOTION NO. 12/90
DIVERSIFICATION OF THE ECONOMY**

MR. ROY BODDEN: Mr. President, I would like to move Private Member's Motion Number 12/90 entitled Diversification of the Economy standing in my name and reading as follows:

"WHEREAS the Cayman Islands are a leading international financial centre;

AND WHEREAS the Cayman Islands are gaining in popularity as a tourist destination;

BE IT THEREFORE RESOLVED THAT the Government appoint a Committee comprising of members of the Private Sector with representatives from:

1. The Bankers' Association;
2. The Trust Companies;
3. The Insurance Brokers Association;
4. The Caymanian Bar Association;
5. The Chamber of Commerce;
6. The Young Caymanian Businessmen's Association;
7. The Cayman Islands' Hotel & Condominium Association
8. The Department of Tourism;

AND BE IT THEREFORE FURTHER RESOLVED THAT this Committee be chaired by the Honourable Financial Secretary and that its responsibilities be to examine areas in which these Islands may broaden the financial base and diversify its economy;

AND BE IT FURTHER RESOLVED THAT at its conclusion such a Report be tabled for debate in this Legislative Assembly."

MR. W. McKEEVA BUSH:

Mr. President, I am pleased to second the Motion.

MR. PRESIDENT:
and seconded.

Private Member's Motion number 12/90 has been duly moved

Would the Mover now wish to speak to it?

MR. ROY BODDEN:

Thank you, Mr. President.

I hope this Motion is not another exercise in what I have come to term Sisyphusian politics, where the elected political directorate will charge that the Backbench only move these Motions trying to fool the public into believing that they are trying to provide some solutions. Such nonsense and arrogance merits no further comment.

Many years ago, the respected Canadian Academic Marshall McLuhan coined the phrase 'global village'. That is very true, "the world is now a global village". With the changes that are taking place, it is not out of order to use the well worn cliché that 'the winds of change are blowing' and by inference they are forcing many countries to rethink their positions. Some of these changes are the evolution of a new Eastern Europe; the union that will be taking place in Western Europe in 1992; the emergence of Japan and the other rapidly industrializing nations of the East as economic and industrial forces; the necessity for the United States to re-assess and re-examine its role as the leading source of money, finance and economic power in the world.

These changes necessitate that we, in the Cayman Islands, also re-examine our position and try to arrive at a strategy that will offer some dynamism to the services that we have been so successful in providing for the past decades. It is safe to say that the most successful corporations frequently review their strategies and make changes and alterations in their plans, as is necessary and as is seen fit by their board of directors and their management.

I am suggesting that we in the Cayman Islands have a challenging task because our success depends mainly on what is referred to in economics as 'invisible exports', invisible industries, banking and tourism. We thrive, off selling our services, that makes it even more important and even suggests a greater incumbence on our part to be flexible, knowledgeable and to go through a period of continuous assessment.

In doing some research on this matter it strikes me that we have not grown significantly in the last decade. By that, I mean we have not attracted any significant amount of new business which would lead us to feel that we are continuing successfully. On the contrary, I would argue that we have been stagnant for some while as far as new business is concerned.

Another important point struck me. People are beginning to copy our plans, we are getting increasing competition from Turks & Caicos, and the British Virgin Islands. They have it easy in that they have only to streamline and smooth policies, plans and programmes which we have developed. Because they are new in the business, they can afford to be less costly. Hence, it is incumbent upon us in the Cayman Islands to take the matter a step further, to run an additional leg now. It is with this in mind that I, in consultation with my colleagues on the Backbench, and after much soliciting of opinions from the private sector, have come up with this Motion.

It is a non-controversial Motion and it is one which allows both parts of this Honourable House to work together for something which is significant, and internationally good. But it did not stop some arrogant Members of the elected political directorate from lambasting us on a platform when the Executive Council had their meeting a few weeks ago.

I would also draw to the attention of Honourable Members that it does not necessarily entail the Members of Parliament for any long periods of time. The ball is clearly in the court of the experts, the bankers, the trust company people, the insurance brokers. This is a source of expertise which is available to us in these Islands and which as political leaders, we should tap into from time to time and here is a glorious opportunity. Because these people know the extent of businesses to tap, they know the markets which are available and they also know the methods, which may not be always known or available to us as politicians.

In the dialogue which I have had with some of the representatives from these areas, there was more than a willingness to participate in an exercise of this nature. I found out also that there is currently existing in one country a model that I think we may like to have a serious look at and in Madeira, Portugal, they have a corporation set up called the Madeira Development Corporation.

What is significant and interesting about this is that their corporation entails an offshore financial centre, which we are. They have what is called an International Services Centre, they also have an International Shipping register which we are trying to develop. They have something else which I would like to see us investigate the possibility and the feasibility of - a free trade zone. I am suggesting that since so many people copy from us, this may be a chance for us to copy from someone, a development corporation which is very successful for them. It bears some looking into.

I am saying, in putting forward this motion that there is a need to diversify, and I say that full well recognizing that we have some strikes against us. We do not have the numbers in population nor does our standard of living make it financially attractive to set up manufacturing or perhaps even assembling industries here, because labour and the cost of living is high in the Cayman Islands. So it may well be that we have to continue to look to the lines that have brought us success so far.

We may have to look into expanding our banking and financial services further, there is nothing wrong with this. If we have a talent pool, I am sure that we can come up with ways to broaden our financial base.

I believe that that is sufficient food for thought for the introduction of this motion. I can only say that I hope it gets the support from the Government which I think it deserves.

Thank you.

MR. PRESIDENT:

Does any other Member wish to speak?
The First Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Mr. President, I of course, as seconder of the motion, intended to speak and to put forward some ideas, but I did not realize that I would have to speak so early in the debate because as is usual when a motion is put forward on a matter as significant as this a Member of Government rises to give their views and to indicate support or non-support.

I had hoped that I would have heard that they were going to support it, nevertheless I trust that after I sit down they will either support it or throw my ideas out with the Motion.

This resolution this morning seeks to set up a broad-based committee from which, because of the expertise of the individuals, will come hopefully, suggestions to broaden the financial base of these Islands and diversify the economy of this country.

There are areas, as I said which need to be looked at and, in my opinion, can help in time to come to put revenue into the Treasury of these Islands.

There are a few areas which I intend to speak about and I feel can be organized to compliment, for instance, the tourism sector and the financial sector. I must say that some preliminary work had been done for me by an intelligent young person from West Bay, Mr. Owens who works in the Public Works Department.

Firstly, in terms of direct economic input, tourism is the major contributor to the economy of these Islands. The main source of tourist income arises from visitors arriving by air who stay on average, between four and five days. Whereas, the average length of stay has remained steady over the years, the number of tourist arrivals by air has been dropping from an average annual increase over a 21 year period of about 18 per cent to eight per cent in the last five years.

It is estimated that each residential tourist and cruise ship visitor combined provided last year some \$144,000,000 to the Islands' economy. Now, not only does tourism provide a large source of foreign exchange to the economy, but tourism also directly and indirectly provides one of the largest sources of local employment and when I last checked there was some 85 per cent of all employees in the hotel industry being Caymanian.

The recent political events in Eastern Europe which the mover spoke about and has resulted in the apparent downfall of Communism, are pressuring our neighbour to the north, Cuba, to reform its political stance.

If Cuba reforms, with its beaches, with its night life, its countryside and Cuban culture, Cuba's potential force as a tourism market, must be taken seriously.

The Bahamas, and in fact all our neighbours who cater to tourism are responding to the same warning. The Cayman Islands must respond in a like manner.

In 1992, the creation of a single market among the 12 nations of the European community will result in a more open, more free and most important, more prosperous Europe.

In a tourism sector that may not be regulated with price reductions, more bargains and new purchasing channels will come into effect, with more disposable income and travel made easier, people will indeed travel more.

Following a possible airline deregulation as we have been hearing about, many small airlines may be bought out by the bigger airlines, therefore, hopefully being able to offer lower ticket prices.

This greater freedom of movement among people following 1992, could affect the Caribbean and the Cayman Islands if we are properly prepared for it, affect us in some instance positively.

We have much to offer the visitor. We must continue to increase and maintain at an optimum level the number of visitors to our Islands as a great source of income. I believe the following areas must be developed so that Cayman can develop what it already has, into something it should be.

In the following few minutes, I intend to review some of our current tourist attractions, for instance, and identify ways in which these can be enhanced so as to create additional revenue for the country. I will also give my views on new areas and perhaps new industries that will diversify our economy above and beyond the two existing pillars of finance and tourism.

There is a little area in West Bay with an unusual name called Hell. Thousands of tourists go to Hell each year and we have talked for years now about the proper development of Hell. I think an idea, would be to develop Hell as a small village where Caymanian culture, its artifacts of tradition and its natural beauty will be on display.

First of all I think the Government should seek to purchasing that entire area property. I know that there is some money in the estimates which I understood would apply to that and I do not know what headway has been made, but I think we should go about this in a serious manner. I

envison as part of the scheme for Hell, for instance a dinner theatre house, and various site features that enhance the natural beauty of Hell.

I do not know whether this idea will be laughed at, but I believe a guest house which would consist of a very small number of rooms, a modest guest house with a theme of 'sleep a night in Hell', 'spend the night in Hell' where visitors could actually spend the night there which would be a sort of novelty for someone to say, I slept a night in Hell. I guess this will be laughed at too, but we could look at it.

At the dinner and theatre house local musicians and actors could provide entertainment based on local folklore and culture. I know old Aunt Sookie has a good say with this Government and they could get her to put on some shows there.

Also, tourists staying in the area or at the guest house for instance could take part in workshops, sponsored by local artists. Workshops in, for instance, local craft. There are already several gift shops in the area which enhance the business environment there. We already have the post office and this could play an integral part of the new development.

I am suggesting that this development could be done as a Government project or Government in conjunction with private enterprise. I believe this development in any event would be self-financing if done properly and if Government puts an interest in it.

Another project which needs to be looked at seriously is Pedro Castle. As a similar idea, Pedro Castle offers a conceptual theme much like Hell. The castle could be developed again into a guest house with similar facilities and cultural programmes as its counter-part in West Bay. Here at Pedro Castle there could be a scheme developed on Pirates of Cayman as a show.

I have visited several of our neighbouring Caribbean Islands and I marvel at what they have done with their local culture and the things they developed around it to entice tourists and to offer entertainment for the local people as well. I say that these are things that need to be done in these Islands.

Sun, sand and sea, are not enough these days. Also at Pedro Castle, quadrille dancing could take place as a show. There could be a restaurant facility, perhaps a few gift shops and perhaps the now defunct Caribbean Cabaret, which drew so much attention by tourists when it was in action, could be restored and done on a more professional basis with Government assistance.

Again in the estimates I believe there might be some funds where Government has considered purchasing Pedro Castle. I believe I am right. And so these things are possibilities that they should direct their attention to these areas and Pedro Castle, as Hell, might be a lone Government project or again done in conjunction with private enterprise. I believe too, Pedro Castle in a new development, will be self-financing once it is done right and has support from Government.

Pedro Castle is a historic site and I am sure will enhance as Hell would, the entertainment side of tourism that is so lacking in the Islands.

Our Golf facility. For many years there have been different people who have tried to get a proper golf course off the ground. To-date there is not one in these Islands. I guess there are inherent problems in such a venture in these Islands. I believe, however, that as a sophisticated country with much technology at our disposal a full golf course can become a reality with Governments input.

I propose a full golf course, let us say in the Northside area with associated club facilities. I say Northside because I have seen good land in that area conducive to a golf course and enough surrounding property to sell for homes or even condos which, when sold, would help offset the cost of the golf course and the sale of these condos, home sites and homes would generate income and be a drawing card for rich tourists and international golf tournaments could take place, offering more exposure of our Islands.

While in Bermuda in March, I visited a Government owned and operated golf course. I was most impressed. The Government there I believe run four such facilities and the concept has proven to be successful and does much to enhance Bermuda's tourism as it draws the international golfer. This too, I believe could be a joint venture between Government and private enterprise.

I believe, that we can develop (I should say I go on to another area), as a convention destination and here again, (I believe if I am not mistaken there was some mention of it in the Throne Speech for this year or last year), but I believe that we can develop as a convention destination much more than we are today. Perhaps we need to develop a full convention centre.

I am not talking now about 40 or 50 people, or a 100 people but I am referring to the larger conventions of a 1,000, 2,000, 3,000 people. Our sun, sand and sea would be a strong feature to encourage convention goers to bring whole families to combine business and pleasure. Not only do we need a convention centre to enhance tourism but we need a convention centre as a national entity in this country.

Last night at the graduation, I marvelled, as I had at several of the graduation services, where we have hundreds of thousands of people and we had last night under very threatening skies. What a disaster it would have been if we had had inclement weather, if there had been showers. So, for that reason alone, because that is something that we would have every year and we have it in the rainy season at that, we need such an entity. For other state occasions or otherwise, it could be used.

I think there is good ground, if this has been suggested before, that we should actively now pursue it. These are things that I believe that we need to get going with. I believe too that this venture, this convention centre will generate money to the treasury, and can be done by Government alone or with Government in a joint venture. Government participation will certainly make a difference in such a project. I believe that the project too, would be self-financing.

Certainly Government already has at its fingertips, marketing personnel through the Department of Tourism and with proper marketing strategy would be essential to a large convention centre but when you consider our positive factors of good air services and good telecommunications,

the number of beds in the tourist industry, I think we are at a place in time to look seriously at such a venture. It certainly, like a golf course as I have said, would enhance our tourism.

Another development which I believe is essential to our tourism sector, (and one that Members can search the Hansards and find me promoting in this House), is the development and extension of our airport. Based on a more prosperous Europe following in 1992, when the European economic community takes effect, and the spin-off hopefully of an increase in tourism that follows this, these Islands should expand Owen Roberts International Airport to accommodate transatlantic flights.

Other Caribbean Islands who cater to tourism have mechanisms in place to bring visitors from the British Isles and Europe, over directly to those Islands. Right now we are most dependent on America to support, in great part, our tourism market.

Looking at the future and again considering 1992, it is possible that America will not offer what it does today. Being overly dependent on this market may result in a decline for tourism. Not that we have touched, or even begun to touch the great areas of tourism in the United States, the American vacation person.

In addition to the sand, sun and the sea. Seekers from Europe, maybe with the opening of Europe and because of our tax haven status, direct flights can bring more people who will be doing business in the financial sector and enhance that also. I guess this would be a very expensive proposition, but it is one which must be done and like the terminal building, I believe would be self-financing over the years.

Maybe it is time too, to examine our so-called duty-free position. Examine it to see whether we can become more competitive in this area. We know that neighbouring countries have a very attractive duty-free status. It would behove us to look into our position to find out ways in which we can further compete. Some people may run scared of this idea and say, what you are suggesting is, or will result, in a reduction of revenue.

I am making no hard and fast suggestion, what I am saying is that we need to look at it because while there may appear to be a reduction in revenue on one hand, this possibly can be recouped from the additional economic activity of more people buying because of better prices.

Another suggestion which could diversify our economic base and be one which the Member who moved this spoke about, is the possibility of a free trade zone in these Islands. This is something again that you can search the Hansards and find that I have been a strong proposer of. Traditionally we know that free trade zones work best in manufacturing based economies because of the abundant supply of cheap semi-skilled labour available in those countries. Usually they are created to cater to labour intensive industries, we on this side, and since I have proposed it previously, I am very well aware of this.

However, this should not inhibit us from attempting to use our positive factors in this country for such a development. The tax or duty breaks which companies would get in Cayman, plus our positive factors of stability, security, confidentiality, no direct taxation, good telecommunications, no exchange controls, excellent power, efficient - and I stress this - efficient, honest customs service; free imports of components equipment. All this makes us an attractive site for such a venture as a free trade zone.

Since our Islands we know, cannot compete with our neighbours for large scale export operations due to the factors already mentioned, in that we do not have the labour intensive market, so we would not be able to produce cars and so forth, we must look to a more specialized smaller scale export projects more suited to Caymanian strengths.

These new industries should feature high value products produced in capital intensive, - and I stress - low labour content processes. The types of industries which must be sought includes cosmetics and particularly perfumes, small electronic and security devices, computer software and data processing. Of course, we can, as I have said offer security, confidentiality and the tax-free status, attractive living and working conditions for technical staff. Most importantly in these areas proximity to our great neighbour to the North the United States.

If, and when we establish long range air links with Europe or the British Isles, this would also compliment the trade zone. There is no doubt about it and I think more and more we realize it, how it is done I do not know. But we will soon need to expand our port facilities and of course, with the possibility of having the capacity to handle more ships or bigger ships, let us say, this too, would enhance the trade zone. In fact, it would have to come about I would dare say.

One benefit which could be derived from a free trade zone is increased shipping activity that would come with it, and perhaps an influx of ships on our register. Of course, new income would be derived from new companies being registered as there would have to be some form of corporate structure.

This idea of a free trade zone, I know full well cannot be achieved overnight. It is a very complex issue which the committee are trying to establish under this motion, hopefully would research and assess. I am convinced, I am confident that it is a workable proposition which can help to diversify our economic base. We should be able to target industries for our free zone which are not labour intensive, or let us say, pollutant but instead, as I have said, those which are capital and intelligence intensive. In other words, the jobs created in the free zone would not be those which we will have to import unskilled labour for. These jobs can be filled by graduates from our High Schools and the Community College who have a basic education and have had some exposure to technical subjects such as computer that we are now teaching.

So apart from creating low labour intensive jobs and facilitating the transfer of know-how, let us put it over a period of years. A free trade zone has other potential benefits, an important benefit is that a free zone can be a significant earner of foreign exchange. These Islands, due to a lack of exports, sustain a heavy deficit on our balance of payments according to the statistical abstract. This deficit is

concerned, as the Member moving talked about, with visible imports and exports. Had it not been for the invisible earnings coming from the financial, and the tourism sector we, let us face it, would be in a serious position indeed as far as our balance of payments are concerned.

High dollar value products such as computers, electronics, data processing, software development, these are areas which I have said can create incentives as careers. Due to the positive factors which we offer, investors could be attracted here instead of other countries, where perhaps the supply of let us say electricity, for instance, is not reliable, the exportation of these high dollar value products to the United States or elsewhere would create a significant flow of foreign exchange and at the same time infuse more revenue into the treasury.

To show the export earning potential of low labour intensive industries in the free trade zones in other countries, let us look briefly at one examined in the Dominican Republic.

In 1988, United States companies which have established operations in that country's free zone include Westinghouse, GTE, Baxter Travenernal, Warner Lambert and even American Airlines. Total export value from the Dominican Republic to the United States from that free zone was \$508M in 1988. These companies are not involved in manufacturing cars but they are involved in very low labour intensive projects, such as software development and electronics, which we are saying are all possible to do in these Islands and will earn us money.

I believe that it can work if it is examined properly and pursued in a sincere manner. You know, if we can develop that kind of project here, it will leave less room to tax our people. This is what we need to do instead of creating Master Ground Transportation Plans where we have to tax our people. Let us create things that can bring in money to help the country. While we must continue to promote and streamline our financial and hospitality industries, we should also look towards diversifying our economy over medium to long term by identifying and seeking to attract low labour intensive and capital intensive industries.

I recommend the exploration of these possibilities of a free trade zone, of the development of a golf course or golf courses for that matter. I recommend the expansion of Owen Roberts International Airport to take longer range transatlantic flights. We recommend the development of Pedro Castle and Hell; we recommend the development of a convention centre and we urge that our tax free or duty free status be looked at as some of the first steps in the process of diversifying our economic base. I trust that I will not be laughed out of the House.

I trust that the Elected Members over there, will get away from the stand they took the other night at their public meeting, where it was said that we were only doing these things to get political support. Let us put that behind us, really, we on this side do not need that at this time. I trust that my contribution will be looked at and ideas used for the furtherance of the diversification of our economic base.

I thank you and the House very much.

MR. PRESIDENT:

Proceedings are suspended for fifteen minutes.

AT 11:17 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:47 A.M.

MR. PRESIDENT:
Motion number 12/90.

Proceedings of the House are resumed on Private Member's
The Honourable the First Official Member.

HON. THOMAS C. JEFFERSON:

Mr. President, Government Motion number 12/90 seeking to establish a Private Sector Committee to examine various means of diversifying the economy and looking at the membership of this committee, it reminds me that the Private Sector Consultative which the Financial Secretary has, together with the National Development Committee the membership, is almost identical.

I think Government, on this particular Motion, has been moving or attempting to move in this direction in any case, has no problem with the Motion and can therefore support it.

I believe that some of the comments of the earlier speakers, in terms of the need to look at the competition, whether it is the competition in relation to the international financial centre or it is the competition in respect of the Cayman Islands as a tourist destination, one of the speakers mentioned the fact, which is correct, that there are funds in the budget seeking to purchase Pedro's Castle. There are also funds in the budget with the view of purchasing the area known in West Bay as 'Hell'.

We are also aware that there is a project mooted to establish a golf course, a full 18 hole golf course, in the area mentioned by the former speaker. But I am not at liberty to disclose whether the individual is going to proceed with that thought, neither am I in a position to say what Government's decision is, on that matter. It is a proposal that we are aware of, and I think all of us in this Honourable House realize the significance of what is transpiring in the world today.

The European unification, the views of the United States, Canada and Mexico in terms of coming together as one unit, (probably provoked by the European unification) and also the Asian market who is seeking to be in a similar position.

I think all of this leads to the need to reassess the Cayman Islands, look at its future development and to get busy thinking about how we are going to maintain our prominence as a competitor in the world of international finance and in tourist facilities or tourist destinations.

I think no country in the world today can sit idly by and hope that because we have been maintaining a growth position of 10 per cent (as we have seen in years past that in every country there are economic peaks and recessions), that we can escape. There is no magic wand that any of us have in the Cayman Islands which is going to cause this 10 per cent growth to remain. I think the indications around the world today suggest that it may not, given all the competition that is being put in place in order to relieve the position that some countries and some people in some countries find themselves in and have to use facilities such as we have in the Cayman Islands.

I believe that the motion is meaningful. I do think too, that the private sector Consultative Committee could have dealt with the subject or the National Development Committee. But given the good intentions of the mover and seconder, I think it is Government wish that we support the motion and see how we can get on with the objectives of that motion.

MR. PRESIDENT:

The Honourable Member for Tourism.

HON. W. NORMAN BODDEN:

Mr. President, I rise to support Private Member's Motion No. 12/90. Actually, it had been decided by Government that the First Official Member would respond to this motion as he has just done, since it dealt with the diversification of the economy. So I had really not intended to speak on this motion but in view of the fact that many points have been made in regard to tourism development which is one of the subjects of my Portfolio, I consider that it is incumbent on me to say a few words in response to some of the points which have been made. I am not a long speaker, so my contribution will be short and to the point as usual.

I have listened carefully to the Mover in his presentation and the seconder as well and I have no doubt whatsoever that the intent and purposes are genuine and sincere. Therefore, I have no difficulty in supporting the motion because I believe that regardless of political differences on other issues, that a sound economy is far too important to residents and the entire population of these Islands, to get bogged down and cause any adverse effect to our sound economic well-being because of political differences. The people who charted this country's economic course, quite wisely selected the two most productive industries, I believe, that could have been selected for a country which has no natural resources to speak of.

The Mover spoke about changes in various parts of the world and as I listened to him, it only further emphasized the point of Cayman's almost total dependence on what takes place in the outside world. In truth and in fact we are really not the masters of our economic fate. We can speak about this, we can discuss this at all levels but this remains a fact. I believe that finance and tourism and their success, those two industries will remain the pillars of our economy and this, (regardless of how much we speak of diversification of the economy), will be the case for the foreseeable future.

While I agree that diversification and the broadening of the financial base are all desirable and efforts to do this are most commendable, the limitations of these goals and ambitions must be fully recognized and appreciated and I think the mover in his opening remarks did mention this to some extent.

Government and the private sector, the country have for many years (and this is an ongoing process), concentrated all their efforts, spent large sums of money on expertise and facilities to provide services of an international standard and level so that we can continue to compete, and attract more business, and expand these two prime industries, so that they remain and continue to be more productive and contribute to our economy in a meaningful way which is so vital and important to all of us.

One point which has been made by the mover that I cannot accept and that I must disagree with, where he said words to the effect that we the country have not shown, any new business in the last decade and that we have almost reached the stage of stagnation. It is true that competition from Caribbean countries is becoming stronger every day, and we in the Cayman Islands who are responsible to some extent for the two main stays of our economy recognize this.

Believe me, we accept that complacency is a luxury that we still cannot afford and I have said this from many forums and tried to plan our programmes, especially in the Tourism Department, accordingly. But it must be certain, it must be a fact that the Cayman Islands success story is still being marvelled at, especially by many of our competitors and so this would indicate to me that the Cayman Islands must be doing something right and that we are still on the right course.

I welcome the ideas and suggestions from the First Elected Member of West Bay for further development which would compliment our tourism sector, of course, bearing in mind that these are all costly projects. While I think he pointed out one might be self-financing, we certainly must have a substantial amount for capital investment in many cases. So I have no problem with any motion or any move or suggestion for consolidating what we already have, and for expanding and improving the services which we offer.

Mention was made about the average of eight per cent growth per annum in tourism. This is correct, we except for 1987 where we had a 27 per cent increase in tourist arrivals that year. We have averaged basically, between eight per cent and 10 per cent per annum. No one can deny the fact that over the last 10 years especially, that impressive growth has been experienced in this area. As the Member responsible for tourism, I maintain that one of the keys to our success so far, is that our rate of growth in tourism must not be about our infrastructure's ability to cope with the quality of services that we are able to provide because this insures our place in defending our market share in Caribbean tourism.

MR. W. McKEEVA BUSH:
me?

I wonder if the Member would give way and clarify a position for

HON. W. NORMAN BODDEN:

Yes, Mr. President, I have no problem.

MR. W. McKEEVA BUSH:

with was the average length of stay.

Are you talking about the overall, because what I was dealing

HON. W. NORMAN BODDEN:

No, Mr. President, the Member asking the question said that the average in air arrivals was eight per cent per year, that is what I understood him to say. The point that I am making is that is correct, it has averaged between eight per cent and 10 per cent per annum except in 1987, when the country experienced a 27 per cent increase in air arrivals that year. What I am maintaining is, that at the present time an eight per cent and 10 per cent rate of growth is what this Country can support, the infrastructure can support, and still maintain the quality service which insures our place in Caribbean tourism.

Tourism's contribution to our economy has also been mentioned and this is a well acknowledged and accepted fact; that it provides employment in our hospitality industry. Also the average length of stay has been mentioned.

Here I would like to make a point regarding the quality and the spending power of our tourists. The surveys which have been conducted by the Department of Tourism tell me that within the past year or so our air arrival passengers spend approximately \$600 per person during their five day stay, when two to three years ago that figure was \$400 per person.

The threat of Cuba re-opening to tourism was also mentioned and it was said that the Bahamas were responding to this situation. Cuba has always remained in the tourism business but their situation is, their source of supply does not come from the United States of America, they draw from other European countries, and Mexico and Canada.

I do not doubt that the time will come in the future when Mr. Fidel Castro is no longer there and Cuba will once again, become a very strong competitor in Caribbean tourism. But the quality of our product is where we must place emphasis and is the area that my Portfolio and the Department of Tourism have been working with the private sector to insure on an on-going basis. It was said that Cayman must respond to this possible threat too. In my humble opinion this response must be in the development of a high quality product which will continue to make these islands attractive, especially to North America. This, in my opinion, is how we can expect to combat competition from Cuba or any other Caribbean country.

Mention was also made too, regarding various tourist attractions and development which are badly needed. I think the First Elected Member for West Bay is well aware of Government's plans to acquire various tourist sites in the Island, he mentioned Hell, and Pedro Castle. Pedro Castle stands very high on our list of priorities and as he correctly mentioned, some funds were put in the 1990 Budget to start negotiations to acquire that property and I am pleased to be able to say that negotiations are in progress. Some weeks or months ago I met with the Principal Secretary for Communication and Works, the Lands Officer and my own Principal Secretary in Tourism, Aviation and Trade and we discussed the various sites that Government should endeavour to acquire and develop as necessary tourist attractions. I am all supportive of this, it is not being neglected or ignored, it is a very important part of our plans for tourism development.

My intention and plans are presently in progress to provide a tourism development plan, a 10 year tourism development plan for this country. Tourism contributes \$140M - \$150M a year to our economy, and tourism, not unlike any other industry, has its ups and downs, it has its peaks and valleys.

We must have a proper plan in place that is prepared by professionals to be our guide over the next 10 years because I think that we cannot afford to neglect this and we must have a definite course set in regard to our future development of tourism.

We have reorganized our Tourism Advisory Council and they are becoming very active. One of the areas that I expect them to produce some positive results is, in a tourism awareness programme for the country because I believe that we need to repeat and re-emphasize this at every given opportunity.

The National Trust has been very helpful in this area and there is continuing close cooperation between my Portfolio and the National Trust to try to improve tourist sites in these Islands.

The Member mentioned a golf course. As the First Official Member indicated, there has been an initial enquiry made to Government for in principle approval. There are considerations to be given to this but believe me, I am all supportive of having a proper 18 hole golf course developed, established in our country because from a tourism point of view I believe that it will attract the calibre of tourists that we are endeavouring to attract, those in a higher bracket income.

There were others mentioned, I would like to make one last point regarding the suggestion of the airport development, the extension of Owen Roberts Airport to take transcontinental flights.

At the present time, the Civil Aviation Authority is pursuing a rehabilitation programme for Owen Roberts Airport which will cover the next seven years at a cost of some \$10M. This programme will bring our air strip and ramp up to standard and do necessary improvements that will have to be carried out there. I believe that in the long term the extension of Owen Robert Airport will come about but once that decision is taken, we must have the hotel accommodation in place to support wide bodied jets on transcontinental flights.

We presently have about 5,600 beds and we have also recently put in place a hotel moratorium. All of these have an important bearing on when or whether a decision is taken to extend the runway here, so that we can attract that type of business. We also, at that stage, have to take a decision

as to whether we are going into mass tourism because, quite clearly, you cannot engage in an extension programme of that magnitude just to attract one wide-bodied jet a week, this is just not feasible. So while this will come in due course, I do not see it taking place until we have the other facilities to support that type of operation.

Our dependence on the US market, in my opinion, will remain for the foreseeable future. I have said this before, and this remains my position today and it has been true for the past 10 years, 83 per cent of our tourist air arrivals are from the United States of America. While I accept and agree that we have to look further afield to attract new business from other areas to the extent possible (and we have been doing this), we have appointed general sales agents in various European countries.

In the United Kingdom, we have had for some time and last year we appointed a general sales agent and public relations firm in Japan. We are attracting more and more business from those areas and I believe that this effort has to continue but let nobody be misguided, that we will ever, in the foreseeable future, replace what we attract from the United States market.

Those are my comments and remarks on Private Member's Motion number 12/90. In the resolve section it asks that this committee be established, which will be chaired by the Honourable Financial Secretary and it lists eight different associations and departments which I am certain can make a contribution to the deliberations of that Committee. I believe that this will supplement and support what the Financial Secretary already has in place as regards the Private Sector Consultative Committee and the Economic Development Plan.

Private Member's Motion number 12/90.

So, with those few words, I have no problem at all in supporting

Thank you.

MR. PRESIDENT:

The Honourable Member for Education.

HON. BENSON O. EBANKS:

Thank you, Mr. President.

Member's Motion No. 12/90, but I can say that if I am here when the vote is taken, I certainly will support Government's vote to accept the motion.

Having said that, I should explain myself and it is exactly what the Honourable Financial Secretary and the Member for Tourism has just said. Government sees it as somewhat redundant in that the Financial Secretary already has his Private Sector Consultative Committee in place and the Government has the Economic Development Plan in place, the membership of which is almost identical as proposed under this Motion.

But, some statements have been made which I must correct.

Member of Government opens his mouth, it is arrogance and nonsense. But the Members across, can get up and say anything they want and it seems to be nothing but good common sense without any tone of arrogance.

But arrogance is arrogance whether it comes from me or the First Elected Member for Bodden Town. There is no difference! Arrogance is arrogance and I believe he is a good example of arrogance. He is arrogance personified!

He was told that Government was going to accept this motion and his comment was that he is going to still kick up Government because that is his function.

Now I am not an academic so I cannot claim membership to the club in which he claims one of his illustrious brethren made the comment to the effect that, "the world is now a global village", and that is true. I think that was his statement, to quote him.

I would take issue with that statement. That might have been true when it was said, several years ago, but I believe that it would be more correct to say at this time that the world is now one big global country made so by the development of computers, facsimile machines, television, supersonic travel and other means of communication.

The Member said too that he had not been able to find any figures to support growth in the Cayman Islands economy in the last decade, that we have been stagnant.

I wonder if the Member reads the statistical bulletins and print outs that are sent to him by Government's Statistic Department. While I did not do any research for this debate, because I did not think it would be necessary, I can say without fear of contradiction that the last decade has seen, for example, the doubling in the number of banks registered in this country and the same thing could be said for the off-shore companies. Not only the doubling in numbers but the qualitative aspect of the business which is being done in Cayman today has outstripped even some of those of us who have fought to improve it.

Cayman has moved from a tax haven into a financial centre of the highest order, and this did not happen by accident. The question of the private sector Consultative Committee has been in existence since the early 1970's, it was then called FINCOCO.

This Government's success has been based on the fact that there has been a good relationship between the private sector and Government. Government has picked the brains of the private sector, there has been cooperation and as a result, the country has benefitted.

I have the feeling that if the Mover and seconder of this motion have in fact been contacted by bankers and people involved in the industry and given the type of information which they claim to have been given, I have a feeling, that those bankers...

MR. W. McKEEVA BUSH:

On a Point of Order, if the Member will give way. Can he say which information I said to the House that I had? I had been given?

HON. BENSON O. EBANKS:
think that is a Point of Order.

Mr. President, that is not a Point....you can rule, but I do not

MR. PRESIDENT:
it.

It is not a Point of Order but the Member may choose to answer

HON. BENSON O. EBANKS:

Mr. President, the point was made by the mover that he and the seconder had brought this Motion after discussion among the seven Backbenchers and discussion with people in the trade in the private sector. The Hansard will bear that out, Mr. President.

Now, I do not intend to spend a lot of time on this Motion as I said. But there are certain things that have to be remembered. One of these is that in the Budget debate or the Budget Address delivered in December last year, statistics were quoted to show that in the last two years at least for every five jobs created in this country, Cayman had one person to fill it. In other words, out of five jobs created, Cayman could produce one person and four had to be imported and that is the reason why it has been found necessary for example to put a moratorium on hotel development to try to slow down the growth in our tourism industry.

And, as the Member responsible for Tourism rightly points out, Government's obligation at this time is to make sure that those tourists that we can accommodate are those that spend the most money and thereby increase the volume of money flowing into the economy.

The same goes for our financial centre activities and as I pointed out that has been succeeding. So too, have we been succeeding in the tourism business.

We have had three large hotels open here in the last 10 years and yet the Member moving it says that we have been stagnant.

I believe that the First Elected Member for West Bay did take leave from the Chamber during his colleague's contribution, but he should not interrupt people. If he can disprove what I am saying, let him go and get the Hansard and bring it and read it. I am not even going to be here. He can jump up when I go and give me hell like he normally does.

Now about the golf courses in Bermuda. I believe Bermuda has eight or nine golf courses and it is true that a couple of those are operated by the Government. But it is my believe that if proper research was done it would be found that only one of those golf courses was built with the initiative of the Government. Those others that they are operating they took over when the developers failed.

But I am not demeaning the importance of a good 18 hole golf course or two for this country. But unlike the First Elected Member for West Bay who says that he has located land in Northside or observed land in Northside where you can put a good 18 hole golf course I am aware that at least two groups are seriously considering the establishment of an 18 hole golf course in the West Bay district.

It is my belief that if you see an 18 hole golf course go in this country that is where the first one is going to be. It is true, we have had a proposal for one in East End too. But given the facts I believe that West Bay is going to have the first 18 hole golf course like we have had most of the firsts in the country because we have a lot to offer in that district.

MR. W. McKEEVA BUSH:

I would second the Motion on that, Mr. President.

HON. BENSON O. EBANKS:
assets which we have to offer.

Yes, unfortunately the First Elected Member is not one of the

off, about having been told or contacted by some people they claim in the private sector, about bringing this motion.

It is my humble belief that, if they were contacted by people they probably are people whom the Financial Secretary has not yet found, (for one reason or another) to include on his Private Sector Consultative Committee. Because if he is going to keep it to manageable size, here we again have to use quality and only the best get on that Committee.

Something was said about the convention centre or some large building because of the threatening weather at the graduation last night. For a few weeks I have been talking to some of the sporting organizations and discussing a large building that would serve as a multi-purpose indoor sporting arena. And, before the graduation last night, I mentioned to my Principal Secretary, to the Chief Education Officer and to the Principal of the High School and I believe to some of my colleagues that because of the risk of a function like that being rained out we would have to give consideration to building this building that I was talking about, large enough to accommodate three or four thousand people, because the Island has nothing owned by Government or even in central George Town particularly, in the school area to accommodate those functions and that it would be my intention to move in that direction.

I wonder if somebody might have dropped that during the course of the evening why it is getting so much attention today?

MR. W. McKEEVA BUSH:
talking any sense!

Why do you not you sit down and shut-up, because you are not

MR. PRESIDENT:

Order! Order.

HON. BENSON O. EBANKS:

Now, the question of the free trade zone for these Islands. As

was rightly pointed out, free trade zones are usually located in areas of high employment, cheap labour and high skills. And the point was made, and acknowledged, that maybe we should go for high tech industries.

But I am afraid that the rest of the argument falls flat on its face because of previous pronouncements from that side of the House. The fact is whether it is high tech or low tech, it means people, and as I have said, we have one Caymanian for every five jobs that are now being created or were created in the last five years.

So a free trade zone does not change that. The point was made that the attraction to Cayman was freedom from taxation and so on. But the whole connotation of a free trade zone is that within that zone there is no taxation and that when the companies locate in that area they are free from the taxes that would normally be imposed in the country in which the free trade zone is located. So that is no advantage as far as we are concerned.

But what is more important is this. I was interested to hear the interest in expanding the Port and increasing shipping activity as a result of creation of a free trade zone and it was during this session when I heard the collective irresponsibility on the other side mention that we did not need any new roads, that was a grandiose idea and I want to know how in the world are we going to increase considerably the traffic that would be created by a free trade zone to and from the Port because we have not the area at the Port to put a free trade zone? I want to know how we are going to accommodate that traffic without new and improved road systems in this country?

Even if someone comes up with the explanation that it was intended not to be put in George Town, it still is going to create additional traffic. So wherever it goes the roads that were talked about need to be put in place if we are going to accommodate even more traffic than the normal growth that we would have from the existing businesses.

The Member for Tourism covered quite well the area of tourism. I just want to add one thing that it is a common mathematical fact that once your numbers get larger your percentages decrease, because 18 per cent, let us say of 5,000 is a lot less than eight per cent of 210,000. It is a simple mathematical fact and the Member has pointed out that Government would not like to see growth go beyond eight per cent per annum.

I have one parting thing to say. I agree that the slogan, 'That I slept the night in Hell', would be attractive, but I believe that some people should give consideration, serious consideration to the fact that unless they mend their ways they are likely to be condemned to spend many a long night in the real place by that same name, eventually.

Thank you, Mr. President, and when the time comes as I said, if I am in the Chamber I intend to vote for this motion.

MR. PRESIDENT:
Brac.

The Second Elected Member for Little Cayman and Cayman

MR. GILBERT A. McLEAN:

Thank you, Mr. President.

I rise to speak on Private Member's Motion, Motion NO. 12/90 Diversification of the Economy. I certainly support this motion and I commend the Mover and the seconder who brought this motion to this House.

It has been noted that our economy is largely based on banking and on tourism. A number of arguments have been put forward in respect of this particular motion and on this particular aspect of it. The way tourism exists in Cayman today, it touches the lives of just about all of its people.

I agree with the Member for Tourism that there should be more awareness in this populous as to the role that tourism plays and certainly I support his position that it is his intention to carry on the programme of tourism awareness further.

I do know that in 1983, there were studies conducted by the then Caribbean Tourism Research Centre which actually developed a syllabus for Caribbean schools. It was the intention and recommendation of the Centre, to various Caribbean Governments, that tourism education as a subject should be included in the syllabus of the various schools. I do not know if this has been done but if I was to judge from the attitude of the Member for Education who just spoke, I would think with such a negative attitude, inclusion of those subjects may have been negative as well.

In developing tourism to where it could, and I believe should be, I certainly would not recommend that Government be the only entity to undertake any sort of capital outlay to see that it develops. I believe a very vital role that Government has to play is to set the stage, the regulations, and let its intention be known and that it supports investors who will undertake to invest in the various tourism services.

While it is good to look at diversification of the economy, I think it is very necessary, timely, and relevant. We need to insure that what we have in place is really functioning at its optimum and to very high standards which are set I contend, by Government.

It is good to know that Government already has a Private Sector Consultative Committee and also another Committee whose function is to do largely what this motion is asking for, or so we are told by the Government Bench. The last Member speaking further emphasized this to the point that in his opinion this motion is redundant.

Well, I have personally not been aware of any recommendations that this Committee has made on this particular matter, diversification of the economy. Perhaps it has and I stand to be corrected but this motion is asking for a specific thing to be done and that, once it is done, a report be Tabled to this Legislative Assembly.

I think there is in this country now a tourism plan, it has been for

many years, I am not sure if it has ever reached this Honourable House but I know there was one that was prepared. I am wondering (and I do know it is available to the Portfolio of Tourism) if any reference to it is ever made in instances where plans for tourism are being developed, marketing strategies and all the rest of it. Certainly I hope that if there is another tourism plan, it is not as voluminous as the one I am speaking about was, nor the extent of the monies which were then spent to be spent on a second one. Reports on a whole, like others that we have seen in recent times, seem to cost a lot of money and they are filled with information which any child knows about our geography and location and our relationship with Cuba years ago and so on, such as the IHC Report. But for actual hard facts and recommendations, one has to chase around quite often in these reports to find them.

MR. PRESIDENT: Before proceedings are suspended, I would like to raise a point on the motion itself for clarification which the mover might like to consider.
I am not sure whether the third paragraph, whether the lists of organizations are meant to be exclusive or whether you are intending that other organizations might also be on that Committee. Could I suggest you consider that point?

Proceedings are suspended until 2:15 p.m.

AT 12:47 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:20 P.M.

MR. PRESIDENT: Proceedings of the House are resumed.
The Second Elected Member for Little Cayman and Cayman Brac.

MR. GILBERT A. McLEAN: Thank you, Mr. President.
When we broke for lunch, I was speaking on the matter of tourism and saying that we should improve the quality of our tourism to standards which are high and acceptable and are set by Government.

I believe that, as has been suggested, the question of golf courses or another golf course in this Island would be something desirable.

In fact, I would trust that the Government is moving with all haste towards granting the necessary approval to the one which it has been brought out, there has been an application to Government for permission to construct or to establish.

In fact, I would think its a situation that if investors can be found who will develop golf courses in this country, they should be encouraged, for after all it is not a question that Government must create such an entity, but indeed Government can give encouragement to those who might wish to do so.

There is little doubt that there is in the tourism market, thousands and perhaps hundreds of thousands of people who are attracted to destinations with golf courses. As has been suggested by the First Elected Member for West Bay who has seen them in operation in Bermuda, I believe that this is a good venture to examine.

In improving our tourism product, I believe that we need to look at each area separately and increase it and develop it to an extent that it becomes clearly distinctive in offering the type of service that anyone availing of that service will find it satisfactory. I include in that all of the aqua sports, the tours, the transportation that is provided, the entertainment and the night life.

In this particular respect, I believe that it is possible in these Islands to offer three specialized types of tourism because we have three Islands. On the Island of Grand Cayman, tourism is developed to quite a high standard, the pace here is fast, it is more in keeping with finding leisure time activities, night life and entertainment as well. In our advertising, and marketing, we could market the three Islands together in one master plan but pointing out what is available in the other Islands. In Cayman Brac, one would find the slower pace as compared to Grand Cayman, one that could be given more to the tourist destination where you are seeing island life still to a large extent intact, and certainly in Little Cayman, it is the quietest conditions that we can offer in these Islands.

So I believe that Government can come up with a strategy, with a marketing plan that you may go to the Cayman Islands but we can offer you, depending on the type of person you are, three types of tourism if you will.

I believe it is very important in developing businesses in the tourism area, that as far as possible Government find ways and means of bringing local business people or entrepreneurs into the areas that are earning monies for non-Caymanians. In the diving business, in all the aqua sports, there is to the best of my knowledge, a minimal amount of Caymanians that are really into that.

I believe in this committee, looking at the situation, they may arrive, at ideas which are conducive to assisting the situation. Certainly, I am aware that Government has in place, the AIDB board that has loaned money to some individuals in this particular area. I believe that more can be done through a deliberate and concerted effort.

My colleague for West Bay, the First Elected Member, mentioned the development of a particular part of West Bay that is now a tourist attraction, the area of Hell. Because we already have in place quite a successful festival in this country called 'pirates week', I believe that its

possible to develop that theme beyond where it presently exists. Perhaps, in the West Bay area or in the Pedro Castle area as has been mentioned, or in some other appropriate area. A re-enactment of scenes and conditions which relate to the activities of pirates in the Caribbean could be a major attraction and drawing card to the extent, and it is not impossible, of a Disney World-type of situation. Within the Disney World operation, I am aware that one of the most attractive displays there, is the pirates of the Caribbean. We have a Pirates Week and I believe that more could be done in developing something along that line. It could be started, it could continue and it could work hand in hand with our Pirates Week which happens once a year. What I am thinking of is something which could be an ongoing, year-round attraction.

The Member for Tourism spoke about tourism growth and I believe it is one thing in having tourism growth of eight per cent per annum. But I believe that what is more important is to have tourism growth that is bringing people to the Island in the numbers which we would like them to come year round rather than so acutely seasonal at this time. I believe that things can be done to identify markets, to find persons, particularly in the market where we normally depend on, North America, to attract visitors to the Cayman Islands that will come year round rather than just seasonally. There is the diving industry and I know that large numbers of persons do come to the Islands particularly to dive, I am wondering if that cannot be developed over and beyond what it is now.

The Member also pointed out that we have 5,600 beds and for tourism to increase significantly, it will mean creating more beds and all the other allied services. He pointed out that there has been a moratorium placed on hotel development.

Unless I am totally misguided on that particular aspect, that moratorium is only on the Seven Mile beach and it was placed there to a large extent so that would-be investors would look to other districts to build hotels where it was accepted there was labour available that does not come to George Town or the Seven Mile strip. So I do not really feel that we should think of this moratorium or we should not be misled to believe that this moratorium puts an end to hotel beds but only to encourage beds in other parts of the Island.

Visitors coming to this Island, mostly come by air travel, those who stay at least. I too believe that there is a need to extend the airport and I am glad to hear that there is a study now taking place which is looking at the overall aspect of the Owen Robert Airport.

I believe that there is enough dredging operations in place now to dredge in the fill that exists to the East and in the sea of the runway at Owen Roberts that could extend that without any great costs. Perhaps these dredging businesses, perhaps as part of their fee to Government, could be covered by them undertaking certain work in this particular area to create the necessary land that this could be extended.

I think there is a lot of room for development of historical sites. To re-create them as far as is possible where there may have been buildings and otherwise, and for Government to secure these areas that persons have spoken about, Pedro Castle, the Bloody Bay area in Little Cayman, that definitely is historical. Gun Bay, where I am reliably told, many dozens of cannons lie buried in the sand, even Hog Sty Bay here in George Town, other than there being a small dock in that area and boats tying alongside, I think there is very little effort made to tell the history of Hog Sty Bay.

In all this proposed exercise, I think a main concern has to be that by diversifying the economy, we are also looking at increasing the revenues to Government. While revenues can be generated through internal businesses, we need also to look at a situation where we can attract monies, hard currency from outside. It might seem that I am repeating some of the things that have been said by my colleagues from this side but then again the Member for Health yesterday noted that we keep such close company that we do not even use the term 'I' any more it is 'we'. So I have a number of points on which I wish to expand that have been covered to some extent by my colleagues.

One of the areas that I think needs serious consideration and if we are to believe the brain trusts of the Member for Education, he is thinking of an arena that would seat 4,000 people. I do not know whether he is thinking of a sporting arena or whether he is thinking of a convention centre whatever the case may be. However, we do have some hotels in this Island now that have fairly large conference rooms.

I believe that these Islands, can go out in the market to make it known that we are interested in conventions and conferences because such occasions bring professionals, would-be investors and people on a whole who are able to spread the word on the Cayman Islands. In catering to conventions and conferences we are looking at offering hotels business; food and beverage places business; and of course we get into situations where, if there are conferences where there are persons in attendance who speak languages other than English, we pose the challenge for young Caymanians to attempt jobs where being bilingual is a requirement.

So it has a snow-balling effect and I do believe that this can be a significant part of the Cayman Islands' economy. There are other islands that are doing it, that are not much larger than ours. There are some in the Eastern Caribbean for example, some of the American dependencies where conventions and conferences do play a significant role in their economy.

I would like to suggest also that the committee which is recommended in this motion, could look at something which we have had for many years and has suddenly fallen away from us but it still exists in other countries like in Honduras, I understand and also in Nicaragua, boat-building. In fact, the people who did most of it in the early years, I am told, were Caymanians, in fact there are persons in these countries now with Caymanian connections who have these skills. There is a market for boat-building, not all boats are of steel nor do would-be purchasers want them to be yachts, and the like. I think it is an area that could be examined as well.

The cottage industry can include so many things. We have people here who make some of the most lovely souvenirs that one can find in any country. Right now much of the souvenirs we sell in this country are brought in from Asia, Taiwan, and Hong Kong, places that mass produce these.

I believe that this is an area where the young can be involved and indeed the very old can be involved, in fact, persons who are house-bound can actually produce items which are saleable. It is a skilled area in many ways, in design and in the production of souvenir items. I think it should be seriously explored because persons interested in buying Caymanian would certainly buy locally and it would attract foreign monies into the country.

It has been mooted that an assembly plant could be considered. I think this is so, for it depends on what we are talking about assembling, and the fact that we have what is termed high labour costs does not preclude the possibility of every single opportunity of having some assembly plant business in this Island.

Quite recently I met with a gentleman who is a, foreign businessman on this Island and he had been given certain rights as a salesman of a particular type of motor cycle/motor car, a mix between the two, a three-wheel deal and it seemed to be selling quite popularly in Europe. He was exploring the possibilities of setting up an assembly plant here in the Island. I referred him to the appropriate Portfolio, I do not know what has happened since.

Perhaps it might not have reached the approval of the Government, that it would be the type of vehicle for our roads, seeing that we prefer to have super highways here and provide such roads so that people can zip about on them at great speeds but at least it is possible that we could assemble them here for perhaps other islands in the Caribbean. It did not require any great amount of skill, no one had to be a mechanic or any of those things, although having one in that particular type of situation would have helped if there was something wrong with the motor but everything came intact in itself and it was just a matter of putting it together and then shipping it. So I think there are possibilities for this country for this type of industry.

Speaking of shipment, we have heard much about port development and another multi-million dollar project which have been talked about Government undertaking. I have cause to believe that there are investors of a size financially and of an ability technically with firms which support the type of development to create large ports of any size, that it is possible for this country to improve facilities, create a larger port as is the talk nowadays.

I am not necessarily stating any particular area, including the area where we presently have one, but I believe that this is an exercise that can be looked at quite seriously and from it could develop a trans-shipment development possibility.

I am made to understand that there is considerable money to be made in this type of an operation, and while it means it will be necessary to compete. To some extent, with destinations where this is already in existence, I am one who believes that the person who gives the best price and the best service can be the one that expects to get the most business.

I think it was today's paper, or yesterday's where I saw that a popular country music singer was visiting a night club on the Island and they were taping her performance and it would be heard on American television. What I have wondered about for some time, is why is it, since other islands less fortunate than us, have a record business where they produce records and they have record labels and a record industry which allows international singers to record on their labels and save taxes in their own country, why does someone in this country not look at the possibility of setting up such an arrangement here.

It would seem to me that we already have singing stars, we have a connection with them, they come here, many of them, it goes on television, we get the type of advertisement that is good for the country. Why is it that someone has not looked at the record industry? I feel that there is money to be made in this particular area as well.

Altogether, I believe that this motion lends an opportunity to well-thinking people, to a well-thinking Government, to an open-minded Government to look at the situation and to evolve recommendations as to what can be done. However, I have to note that that has to be done in an atmosphere or in minds of people other than what has been displayed here earlier today by the Member for Education. I could not understand his position when he rose to say that he did not support the Motion but when it came to take the vote, he would vote for it. That really baffled me. In fact I did not know such a thing was allowed in the normal course of the parliamentary process.

Be that as it may, what is important is that the Government of the day be wise, or brave, or sensible enough to understand that ideas can even come from a fool, to say nothing of Legislators who have sat down and thought about a situation as is expressed in this particular motion. It cannot help country or Government where there are such attitudes in place against every suggestion that comes from the Backbench where they apparently think it did not come from Government so it is not good, or that they have to get up to attempt to show that the Government was thinking about that long ago. Maybe they were thinking about it, but getting something done about it is totally different.

I believe this is a good motion, it is not asking for any earth-shattering act by the Government, it has suggested at least the getting together of people from eight different areas in the commercial community and it is my understanding that it does not preclude others but certainly it offers some ideas about this. It is possible that something positive can come of this whole situation and unlike the Member for Education, I support it in the beginning and I shall certainly support it when it comes to the vote.

Thank you.

MR. PRESIDENT:

Does any other Member wish to speak?
The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN:

Mr. President, this Motion is one which is aimed at constructively setting up a Committee which is aimed at diversifying and consolidating and expanding the financial centre as well as a diversification of the economy. This type of Motion creates the base for a committee which can be an alternative to tax on the people of the Cayman Islands, an alternative to import duties or increases in stamp duties or license fees or whatever.

I see this as a committee which will endeavour to broaden, diversify the economy thus giving stability to the economy and also one which will look at broadening the financial base and the raising of revenue in new areas other than the taxation of our people.

I think the Motion increases Government's flexibility and ability to look hard at the financial base of the economy. I believe that the broadening of this has to come as a result of Government working hand in hand with the associations and the people in the private sector who can give the advice and the expertise that is necessary for this motion to become of some practical use.

There are some areas that I think need to be looked at. Some are improvements, and some are areas that are new. We have seen in recent years a very sophisticated and complex off-shore industry that is highly competitive in countries, not just islands in this hemisphere but around the world.

We have seen that off-shore funds have, for a period of time, been very popular and continue to be popular in certain areas and the flexibility within our Companies Law in areas, some of which have already been done, and have helped us with this. The repackaging of securities and generally the work that results around that is also important. I think it was good that recently our Honorable Financial Secretary and some delegates from here did a seminar in New York aimed at broadening the base on the off-shore side.

While I accept that it is the easiest and perhaps undoubtedly the cheapest way to go about this is to put together those experts within the off-shore private sector side of the Islands. I believe that when we do come to areas where we need to get the policies or the legislation in place, a small investment, a small amount of money to be spent on speeding up the process there or assisting, I would rather say to the committee that this should be done.

The expertise in the off-shore area is moving so fast into different areas that no one profession or no single person has any monopoly on it much less any single country. I think that from the improvement and expansion side, we have to look at constantly updating and borrowing from the countries that have got the edge on us, the other off-shore countries, or countries dealing with the off-shore financial industry and not feeling that we should not borrow from what they have learned because many of them borrowed from us in getting where they are today.

I believe that on the improvement side, it would assist the committee who are doing a very good job. What I am saying here is by no means to state that any of the committees I may refer to are not doing good jobs, because I want to mention they are all private professionals and they have a limited amount of time but within those restrictions they are doing a good job.

I believe that we could see a speeding-up and a strengthening of the legislation and the policies in areas which are at present well advanced with the amendments. When I referred to the Companies Law for example, they have put through some very good amendments, they are well on their way but we have to face facts, we have to compete with the British Virgin Islands who have the edge on us cost-wise on companies.

I believe that assistance in those areas because we must remember that British Virgin Islands borrowed from us in their Companies Law, not only borrowed our former Attorney-General as their Governor but they also borrowed substantial parts of the legislation from here, but they have been one of our main competitors in this area and it would be good, I think, to have that Law with its many amendments now finished as far as updating goes, and to have it revised so that all of the bits and pieces can be seen in one Law.

I believe that areas such as the winding up rules need further attention, I should say, they have been given some and from time to time we have seen improvements to the Trusts Law. With it, I think a hard look should be made at the Limitation Law, the Bankruptcy Law and those groups of laws that go towards the package that deal purely with the financial off-shore company and banking industry side.

Probably the last substantial diversification to the off-shore industry was the Insurance Law many years ago and the continued updating of this (and recently I know the Banking Law was updated), I think has to be an area of increasing revenue and increasing work into the islands.

I had hoped that the new shipping legislation and the new shipping industry side could have more rapidly developed. I would merely say on this that I believe, or I would hope that the Member in charge of this keeps it under constant review because if this is properly promoted but more so if it is operated properly, I believe that we could have a type of mini-boom in that area. I appreciate the stringency of parts of it but I believe that a good hard look has to be taken again at that area because I do not see it moving ahead as much as, I had hoped, that it would have progressed.

We have many people in the private sector that are happy to contribute and I would hope that this would be appreciated because many times it does bother me, the way that when occasionally advice given by them, by the associations or private people in the industry, is not fully in conformity with what Government may wish to hear, then we sometimes find that they are slighted or occasionally attacked.

The worry these days of mobility in just about everything ranging from companies, which we do have in place, I think without the exception of the Order-in-Council listing the companies, is very important to people who are planning and giving financial and legal advice abroad. Even though it results at times, in some loss to ourselves, provided that we are gaining overall, I believe that this area of the legislation is important.

While on that area we have the European economic community which appears to be reaching a reality in a couple of years and it is crucial that we get in on this at a very early stage.

I will be fair. I understand that there have been difficulties with getting a lot of information which is precise on areas where aspects of the EEC is going to impact on us (because the EEC Countries are trying to get their act together before they deal with the colonies side of it and that I guess is understandable), but I believe that we must make an effort to see what the impact is going to be on insurance, banking, finance generally. The London, the liber base on currency, on funds rather, money and even more so, what is going to be the impact now that the Eastern Block has got into the act, because that market which I understand, (tradewise is the equivalent of the USA and Japan jointly), is so large that it is bound to have an impact on everyone in the world, not just ourselves and if we miss the boat, then catching up could be very difficult.

There will undoubtedly be instances where we are going to have to look at other areas. Just this morning I saw and heard on the news that the USA is trying to do something similar to the EEC with the North and South American Continents, relieving debt, attempting to unify the area, attempting to boost trade between the countries and most importantly, trying to get an allegiance from other countries on trade, which gives a type of hemisphere monopoly on trade in the area.

So things are moving rapidly on our side of the world and I think that it is important that the Government understand and does everything to make sure that we are included in these important movements in the world.

I would like to mention here that I was very surprised to hear the Member for Education go on the way he did this morning, on really what I see as a productive and a helpful motion and one which, at least up until then, had really not sparked the type of debate that came out from him.

All I can say, it is one thing at times hearing these remarks from the Backbench but they are the Government and when a very senior person in it begins to reap this up again and get into what I would call a nasty type of debate, it can only just create more and it is not helpful. I just hope that ultimately this is going to stop. That is all I say on it because it was a lecture on arrogance and everything else in the world that he could think about.

Nearer to home the Members, First Elected Member for Bodden Town and the First Elected Member for West Bay, raised areas within Cayman that we could improve and while we have done well and nobody is denying that, there are always areas for improvement.

The diving industry has become much larger in the last few years, and we have seen that tourism has, with its ups and downs, moved on. But I believe we have to have a good hard look perhaps at the North American advertising impact of our dollar in that area. It is always good I think, to have the policies of this very large spending, its some four or five million, I would think, reviewed often and to ensure that we are really impacting in the area that we need and bringing in people who as tourists, the Island needs and that we are getting those in the reasonable amount of numbers that can pay for the advertising dollar.

I understand the smallness of the Island and the number of tourist, and that aspect and I know that there are limitations, but I do believe that if we could somehow get people who may prefer a quite vacation than they get in Grand Cayman, we could get them quickly in and out of Cayman Brac and Little Cayman, that we could get an upgrading of tourism in those areas which very badly need it. I believe that the air routes should be kept under constant review.

To move on to an area that is important to all of this is, we must continue the training in tourism, banking, insurance and all of the related areas of these main bases of the economy to make sure that our people are getting a fair share of the advancement and not just necessarily the money that comes from the two main sectors of the economy.

MR. PRESIDENT: Perhaps we might take the break there.

MR. TRUMAN M. BODDEN: That would be good, Sir.

MR. PRESIDENT: Proceedings are suspended for fifteen minutes.

AT 3:20 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:47 P.M.

MR. PRESIDENT: Proceedings are resumed.
The Third Elected Member for George Town, continuing.

MR. TRUMAN M. BODDEN: Mr. President, the fiscal policy of Governments must always be that they should save in times of boom and spend in times of recession. This avoids the problem of having extremes over a period of time over an economic cycle. That has to be strengthened I think, by expanding the two

main pillars of the industry of the economy in the Cayman Islands.

I believe that there should be some way that we could find light industry that is not labour intensive but perhaps that more biased towards a capital type of industry which should be able to give us the continuity which we do not have when you get a recession because tourism, when there is a world recession, tourism suffers and as the Member for Tourism has said at times, we depend very much on this industry in what happens in the world as a whole.

I believe the economic cycle of recessions and booms could be levelled out and there could be more continuity if we got into areas that were not subject directly to the world economic situation. While these may only impact to a small extent if it was spread into other areas that would give us a better continuity of the economy in the Islands.

There is one thing that I hope someone would have a look at and that is perhaps at some stage, trying to get the Goldfield, the vessel the Goldfield, on land somewhere near the museum. I think this would assist in a little way as I believe a lot of money has been put into getting her here and she sits at the bottom of the North Sound at present.

I also believe that the Pirates week, the Batabano and Million Dollar month and similar festivals and tournaments of that sort during the summer season will also level out the economic cycle that we have each year between the winter and the summer months where, in regard to the North American tourist, Government should give these as much support and perhaps look at extending into other areas of it.

I cautioned the Member for Tourism in relation to the hotel moratorium and all I would say in relation to that is that I hope he continues to monitor it extremely carefully, because as I mentioned then, slowing down is very easy but speeding up many times can be impossible. I supported that at that stage and I am not saying any more now than I said then that I think that it has to be monitored carefully.

The private sector here has been I think, far better than you will find in most countries because they not only give of their time, they give a lot to charity and they do a lot free for the Government that you do not find in other Islands and that I hope will always be appreciated by whichever Government is in there.

The help that we receive from professionals in the private sector is normally help that it would be impossible for Government to pay for if they had to pay them according to their normal hourly or monthly, or whatever, salary that they receive. I would like to express my thanks, I believe thanks of everybody here hopefully, to them and ask that they continue to contribute towards the progress and the good, of the Cayman Islands and that they look at the progress of the off-shore industry at least which is the area that I make my living in, as one in which Government and the private sector are partners with both getting a share of the good that comes from promoting it.

Therefore, I am happy to support the motion and I am also happy if there is an expansion of the motion into other Private Sector Associations or the Chamber of Commerce or whatever that maybe able to contribute from time to time. They are not directly put on, it is always possible to co-opt and anyone really who can contribute in the private sector and is willing to, I believe that Government should attempt to get whatever advise they can give.

All I would say is that I hope that after the many long hours that are put in by these committees when the recommendations do come to the Government that they are looked at very seriously, very carefully and that the advice, where it is good, will be acted on promptly.

Thank you.

MR. PRESIDENT:

Does any other Member wish to speak? Would the Mover wish to reply? Would the mover wish to reply to the debate?

The Honourable Member did not seem to be awake. The Chair cannot just sit and sit you know. The Second Elected Member for Bodden Town, do you wish to speak?

MR. G. HAIG BODDEN:

Certainly, Mr. President. I am delighted to have this opportunity to support the motion which has been brought by the First Elected Member for Bodden Town. I am happy too, that the First Official Member has intimated that Government will accept this motion.

The motion deals with diversification of the economy and it recognizes the two main pillars of our economy and asks the Government to appoint a committee comprising of members of the private sector with representatives from eight different organizations with the Financial Secretary as its Chairman.

This motion is very much needed because there has been very little growth in Government's revenue in recent times. Over the last six years, Government's revenue has gone from \$65M in 1984 to a little over \$100M this year, an increase of 50 per cent. In the previous eight years from 1976-1984 Government's revenue had gone from about \$13M in 1976 to \$65M in 1984, a growth of 500 per cent.

In other words, in recent years we have barely been keeping up with our current expenditures. In the last six years, if Government's revenue had increased by 500 per cent, we would be looking today at a revenue in excess of \$300M per year and then we would not have the difficulties in finding cash to support capital projects as we are having now. Particularly over the last 18 months I have heard of nothing from the Government that produced any kind of growth in the economy or in Government's revenue except the old fashioned method of increasing the already heavily taxed areas of revenue.

This motion seeks to pick the brains of hard nosed businessmen, people that are at the top of their chosen businesses, for example the Chamber of Commerce is

made up of local businessmen who have made it to the top despite the fact that the Government finds it difficult to accept anything that comes from the Chamber of Commerce or from anybody else. I would like to say to them what a famous American comedian said "Be nice to people you pass on the way up because you will pass them again on the way down" and the way down for many of them is not far off.

We have here businesses which have prospered because of the activity of the present Government and of Governments in the past but tourism and off-shore banking are businesses over which we do not have total control. Their prosperity depends a lot on what happens abroad and sometimes is not within our ability to control.

When the Mover spoke about diversification of the economy, I got the impression that the diversification of which he speaks can be found, not only in outside businesses but also within the prime businesses of our economy. Other Members mentioned some of the dangers that face these businesses and I heard them clearly because I was not asleep, I can never sleep during the perilous times that we now have.

One mentioned Cuba, a country that may well be opened up to tourism and if it does, could take away a lot of our business. This is true because in the 1950s' at the time of the Castro take-over, Cuba had been considered the playground of the Caribbean.

So we have to watch, we have to monitor our tourist industry. We have no minerals to export. At the present time no agricultural products to export and we are heavily dependent on monies which come from abroad. We are sending every day, large sums of money abroad to buy all the things we use. If this continues we would find one day there is no money left on the Island unless we continue to bring in foreign currency.

I know a little about the hard work that was done by Mr. Warren Connolly and the late Jim Bodden, to bring tourists to this country and we as a Government, must continue the work which had been started by these good men. If we want to continue to reap the benefits from the tourist industry we must do more than we are doing at present, we must enlarge upon the many ideas thrown out by the Members of the illustrious Backbench. They spoke about Hell and its development and many other projects and I wish to expand on some of them.

In today's newspaper, the Reverend Alan Kertin who is the General Secretary of the Caribbean Conference of Churches, spoke in Trinidad about the code of ethics that need to be established in order to improve the relationship between the tourists and the people of the host country. A point that he made was that tourists visiting the Caribbean, travel in a spirit of humility with a desire to learn about the host country. He went on to say that instead of just a beach paradise, they should seek out local customs, hold local behaviour in regard and ask questions. If tourists are coming here to find out about the country and to find out about our way of life and to find out why we have reached the stage of development that we have, we here, will have to adjust our attitude to the tourists.

When the Member mentioned about Hell, he put forth an idea which I believe is simply grand, that tourists visiting might be happy if there were a small guest house or guest houses in that area where tourists could stay. I am thankful that the development which we see at Hell was started by the efforts of an individual, Captain Theo Bodden, and that it was done during the time when I was a part of that administration, an administration which listened to Captain Theo and other Members of the Chamber of Commerce, did not forever try to put them down. If Hell is the name of that property in West Bay, it may be good for some people if they can go to Hell. The tourists are looking for things that are unique, that are unusual and not found on the common trodden paths.

I remember speaking to the Chairman of the National Trust at the inception of that organization and suggesting to him that Government should purchase a very old home in Bodden Town, the house in which it is reputed that one of our first Governors lived the old Webster home. That property has been up for sale at a very reasonable price and I would suggest that the Government buy it now before it passes into the hands of some developer who may want a much higher price. A home like this could be refurbished and filled with old furniture and could be used as a showplace for tourists because the more we have to offer, the more tourists we are going get. I remember our administration being criticized for purchasing the Turtle Farm and now today it is one of the few attractions which we can call Caymanian.

This motion will be useful because when we put together great minds, great ideas will flow. The things that we boast about today did not come about by chance. For example, one of the biggest tourist attractions is Pirates Week.

Pirates Week came into place simply because a large Committee had been set up by Government to find some means and ways of bringing tourists to Cayman during the slow months of October and November. Pirates Week has been a success yet there are Members of the present Government and their supporters that would have changed the very name to get rid of a semblance of the late Jim Bodden. We cannot help what our past has been, everyone knows this Island, like most of the other Caribbean Islands, served as a haunt for pirates. People like Sir Francis Drake that were encouraged by the rulers in England to go out and prey upon the Spanish beings, that is our history. We cannot change it, it has made us what we are today and will influence our future. So there is nothing wrong with a programme like Pirates Week.

Recently Batabano, a product of the Rotary Club, has received much acclaim and undoubtedly will be one of the features of the future.

MR. PRESIDENT:

It is about half past four, should we close on that festive note?

MR. G. HAIG BODDEN:

Yes, Sir, unless the Members can keep awake.

MR. PRESIDENT:
past four but it appears not.

I have had no indication that anyone wants to go on until half

ADJOURNMENT

HON. THOMAS C. JEFFERSON:
House until 10:00 tomorrow morning.

Mr. President, I move the adjournment of this Honourable

QUESTION PUT: AGREED:

**AT 4:32 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,
FRIDAY, 29TH JUNE, 1990.**

**FRIDAY
29TH JUNE, 1990
10:19 A.M.**

MR. PRESIDENT:

Services.

Prayers by the Honourable Member for Health and Social

HON. D. EZZARD MILLER:

Let us Pray.

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

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

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

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

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

GOVERNMENT BUSINESS

MOTIONS

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

MR. PRESIDENT:

on the Motion in regard to the Report of the Standing Select Committee on Standing Orders. The Elected Member for East End continuing.

Proceedings of the House are resumed. The debate continuing

MR. JOHN B. McLEAN:

Thank you, Mr. President.

When I stopped speaking on Wednesday evening, I was just about to make my final remark on the political rhetoric of the Third Elected Member of the Executive Council. I must say that it was very disturbing to see the extent to which this Member would go to even try to tie the seven Backbenchers to a communist country when he referred to the red ties which we were wearing. As a matter of fact, on the day he was speaking it was only a few of the seven that were wearing the red ties. It is a shame because everyone knows that regardless of what has taken place between the four Elected Members of Executive Council and the Backbenchers, no one can say that we have tried in any way to do anything that would lead him to make such nasty remarks on the floor of this Assembly.

The fact remains, on the day he made those remarks we had one of our Official Members, I think it was the Second Official Member who was also wearing a red tie and as I look across the floor today, I can see the First Elected Member of Executive Council who is also his colleague, wearing a red tie. It may be a different shade but it is a red tie. Is he also insinuating that those Members, because they have on red ties, believe in the hammer and sickle?

I would just draw his mind to something, about this Motion which is presently on the floor of the House. If there is anything that has any leaning towards what he tried to put on our shoulders, it is that Motion. I believe that if they are successful in having this Motion passed, in the next sitting of this House perhaps the four of them should come dressed in full red, not only in red ties. I think the Member in the future should learn how to address Members in this House properly and not to make such nasty allegations.

To say the least, I have been disturbed and distressed over this Motion which is on the floor of the House today. One Member said earlier that he had lost so much sleep because of it and I have to agree with him because it is very disturbing. If it is passed, we will be taking these Islands in a backward step. This Motion is taking away the rights of our people and no doubt in the long run it will have adverse effects on the prosperity and stability of these Islands. The people of these Islands have enjoyed stability and prosperity and it is a shame that we have an Executive Council who would bring such a Motion which threatens

prosperity and stability.

We heard so much from the four Elected Members with regard to stability in these Islands. They should apply that advice to themselves because for many years we have never ever seen such unrest in these Islands as we have seen as a result of this Motion.

The fact is the Motion is Government's not the Backbenchers'. Therefore, they must accept full responsibility for the harm this has done and will do to stability in these Islands.

I was most happy to see an editorial which the Caymanian Compass carried on Wednesday 27th of June, and it is headed 'Compromise'. I hope that not only have the Members of Executive Council read this but that they will think about it because I would say that it is probably one of the best editorials I have seen in this paper in a long time. It reads as follows:

"As debate on the Motion to expand membership of Finance Committee is drawing towards its close, ExCo Members must decide whether or not it is wise to push the move through or to seek compromise.

In the light of extensive public opposition to the move....",

And I would just read that for them again:

"....In the light of extensive public opposition to the move....",

because we have heard in here that there are only a few people opposing this Motion. I go on to read:

"...it would seem that ExCo would be well advised to take a conciliatory attitude now.

They could go ahead with that part of the Motion which would make Finance Committee meetings open to the public but defer a final decision on the portion which seeks to expand the Committee's membership.

To push the membership part of the Motion through now regardless of the apprehensions and misgivings expressed not only by opposition MLAs but also by so many members of the general public would seem callous and lay ExCo open to charges of insensitivity to the wishes of their constituents.

With an open Finance Committee, people would have the opportunity to see for themselves what exactly goes on at these meetings. They would then be in a much better position to form a well-rounded opinion on the matter of the Committee's membership.

Further delay of a final decision on the membership question would allow time for everyone to look at the issue in a cool and rational manner, to consider the various ramifications and implications of the proposal.

No matter which way one looks at it, the proposed change is significant enough to warrant a period of consideration....".

True words, Mr. President.

"...If, as the ExCo Members say, the move is one that will ultimately benefit the country, one should assume that over time and in rational public debate, the proponents would be able to convince large sections of the community of its wisdom.

This is not a matter to be decided in the heat of the moment or something to rush through regardless of public opinion.

Meanwhile, we suggest that all members of Assembly, on both sides of the House, make earnest, new endeavours to improve their skills in consensus building and the art of political compromise.

Consensus and political compromise are intrinsic part of political life in any democratic country. In Cayman they are probably even more important than elsewhere, considering both the system of government as well as the country's way of life and its traditions."

Mr. President, this is a very good editorial and it points exactly to our problem today, our present Executive Council will not compromise. I hope and trust that they will realise that it is more than the seven Backbenchers who in fact are opposing this Motion.

The fact the people, (contrary to what has been said by one of the Executive Council Members), the people of this country understand this Motion, and it is for this reason that they have opposed, and will continue to oppose and object, to the four Elected Members of Executive Council seizing full control of the finances of this country if this Motion is passed.

Members may look at this Motion as simple but, there are many nervous investors in these Islands today who are standing by and watching this political situation we are in and according to my information, if this Motion is successful, it is a possibility that we are going to have many investors leaving our shores and taking their business to other parts of the world. This action through Motion Number 3/90 has created much fear, not only in the minds of our people but foreigners who reside in these Islands.

I will have to agree with one small portion of the Second Elected

Member of Executive Council's contribution when he presented this Motion and that is the part where he mentioned that it takes only a push of a button on a telex machine or a fax machine and a lot of money can leave these shores. He is quite correct with that and I hope that he and his Government will take note of this and I hope that they will realise what damage they have done to stability of these Islands because of this Motion.

He does not need to preach to the seven Backbenchers about this because it was he who brought the Motion and it is the four Elected Members who are supporting the Motion not the seven Backbenchers and the public knows this.

The reasons which he gave and the other Elected Members of Executive Council gave are not good enough and to me what is most ridiculous about this is the fact that a top civil servant has been hurt in the process. We are all sensible men in here. We know that if the Honourable First Official Member who is our Financial Secretary, having the responsibility for the Portfolio of Finance, cannot chair a meeting of Finance Committee but instead has to sit as an ordinary Member, common sense would tell us this has to be a demotion. It has to be an embarrassment and no doubt to put it in simple terms, it is a slap in the face for the gentleman. What is even worse is to know that we have four Elected Executive Council Members who would try and mislead the people by saying that the Honourable Financial Secretary would be in a stronger position.

We all know that the Honourable Financial Secretary has been in a coveted position ever since he sat in that seat and the fact remains, he became a marked man from the day he voted with us in Finance Committee, because there were many remarks made regarding the way he cast his vote in Finance Committee in the last budget.

It is my opinion that this is one of the main reasons for this move, not the flimsy excuses we have heard from the Government. We can see from the original draft the exact intentions of the four Elected Members. This original draft speaks for itself, there is no reference here to the Financial Secretary.

HON. BENSON O. EBANKS: Mr. President, on a Point of Order. I did not take the point when the First Elected Member for West Bay quoted from what they claimed to be the first draft of the Motion which he claims to have received through the mail. It should have been tabled and I intended to make the point in my contribution but now that this Member is also making the point, I think that he should follow the custom and table what they claim to be the first draft of this Motion.

MR. PRESIDENT: It is not exactly a Point of Order but we had a similar point earlier and as a matter of courtesy, documents should be provided for copying.

MR. JOHN B. McLEAN: Mr. President, I referred to exactly what the First Elected Member for West Bay had referred to. But you know, constantly.....

MR. PRESIDENT: I understand that but I think that the point being made is that there should be a copy available with the Clerk so the House can have copies and see it. We have covered this point three or four days ago, as a matter of courtesy it should be provided.

MR. JOHN B. McLEAN: The point I am making is I am referring to what the First Elected Member made. Is he asking me?

MR. PRESIDENT: No, I understand what you are doing. The point is unless the Clerk will tell me otherwise, a copy has not been provided as a matter of courtesy for the distribution to the House. Has it or has it not? Do you have a copy of the document which is being referred to? In that case I think, I repeat, as a matter of courtesy, a copy should be provided and the First Elected Member for West Bay I think was the first person who referred to it, or was it the First Elected Member for Bodden Town?

I would be grateful if you would stand when you are addressing the Chair if you are?

MR. W. McKEEVA BUSH: Mr. President, I was not addressing the Chair, if you were paying attention, I was talking to the First Member for Bodden Town, the two of us were talking.

MR. PRESIDENT: I can put up with your rudeness, thank you. I asked a question as to which of you two Members to whom I referred by your Districts correctly, had first mentioned that document? You looked at me and you were talking, I therefore think it reason to assume that you are addressing me. I now ask you both directly, the First Elected Member for West Bay and the First Elected Member for Bodden Town in turn, would you kindly confirm which of you first mentioned that document?

MR. W. McKEEVA BUSH: Mr. President, I first mentioned the document that I received in the mail and I do not have to give it but I will if the House wants.

MR. PRESIDENT: You do not have to give it but as a matter of courtesy, you should.

MR. W. McKEEVA BUSH: If the House wants, I can get it but the other day papers were not given either.

MR. PRESIDENT: It is entirely up to you, it is a matter of courtesy and you can do what you choose. The Elected Member for East End would you continue?

MR. JOHN B. McLEAN: Mr. President, two things, I was not trying to be rude to the Chair. I was merely trying to find out which Member you were asking to submit it, now I understand.

MR. PRESIDENT: No problem, there was no question of my thinking that.

MR. JOHN B. McLEAN: The other thing I would like to point out Sir, what is fair for one side of this House is also fair for the other. A few days ago, the same Member refused even to give the page when we requested it on this side. (SOME MEMBERS: HEAR! HEAR!) I think the time has come when he must realise that if he is going to give us that sort of treatment, he should take it when it comes back to him.

MR. PRESIDENT: If I may comment on that, you are entirely in order. It is a matter of courtesy but I have to make the point that if a Member quotes from a document and is not prepared to identify the document or give copies of it, then any other Member of the House I think can quite correctly say, I do not accept that because it is not being produced. I think we should leave it at that.

HON. BENSON O. EBANKS: Yes Mr. President, I would just like to point out that I was not quoting from a document, I was quoting from Erskine May and I said I was. I said I was quoting from Erskine May but I was not going to direct them to the chapter because it was available. That is a public document, there is a copy on the table and every Member has a copy. I even gave the edition I was reading from, Sir. What they are referring to is a document that is peculiarly theirs.

MR. PRESIDENT: I think there are two points here. The first I have dealt with, the question of documents. The second is a question of references, and I think it is not sufficient to identify a quotation only to give the book or the edition but I repeat, the Member does not have to give it but if he does not give it then the House can take note accordingly.

Now let us please get on with this debate. The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, thank you for clearing that matter up I would just point out that it is not a matter that the Member just wants us to give him a copy or lay a copy on the table. We heard a few days ago that there were only two copies and they were wondering how the one copy had got to the Member. I think that is the whole thing behind it. But I am glad that the First Elected Member for West Bay has such a good friend who sent him a copy in the mail because it is important enough that we know about it and thank God for the guy who put it in his mail box.

Just before I was disturbed, I was speaking of what the four Executive Council Members had said to the public regarding the strong position they had put the Financial Secretary in as a result of this Motion. I disagreed with them saying that to the public, because it is far from being the truth, and I pointed out that his position, has been a coveted one, and he became a marked man from the evening when he voted with us in Finance Committee. There is a true saying, 'you can never keep a good man down'. With all that the four Executive Council Members are doing to the First Official Member, the Honourable Thomas C. Jefferson through this Motion, they can never keep him down.

The First Official Member, he knows how to survive this attack. He is a survivor. They cannot keep him down because the First Official Member who is our Honourable Financial Secretary is a capable man who knows the finances of these Islands; who is respected in the financial world; who is respected in the Cayman Islands and who the majority of the people are fully in support of. In other words, his popularity is exactly the opposite to four Elected Members of Executive Council.

I can speak for myself. Let me say, I am one Caymanian who has always supported the First Official Member and I am more determined now than ever to support him. What is so bad is that his own West Bay MLA, who he probably voted for, the Second Elected Member of Executive Council, Mr. Benson Obadiah Ebanks, has turned his back against the Honourable Financial Secretary and has actually stood in this House and put forward a Motion that will put this gentleman in jeopardy.

Let me say, you are looking at one Caymanian that would never, never, take away power from the Financial Secretary and place it in the hands of the Governor. I feel that the Governor, like the Attorney General, and the Administrative Secretary, are in positions at this time where they should be, and there is no place in politics for them in this House. Our Governor was sent here by Her Majesty's Government for a certain job and I think that is exactly what he should attend to. Likewise, the two Official Members who are top civil servants, have enough at this time to do.

Much had been said by the four Executive Council Members regarding the Backbenchers' attitude toward Official Members. Neither of the seven Backbenchers that I am associated with as far as I am aware, has anything personal against any Official Member. But what all of us are saying is, they are all responsible men, therefore, they have their jobs to do and that they should not have a part of our Finance Committee. This is where the people's money is voted and it should be handled by the people's representative. As far as I am concerned, the two Official Members are very capable individuals and I have every respect for them and anything that I am saying, I trust will not be taken personally because I am saying it with the greatest of respect to them. I think it is very unfair of the four Elected Executive Council Members to pull these fine gentlemen into this mess in order to stay in power.

As this Motion stands and if it is passed, it will take away the right of an elected representative to deal properly with the people's money. I see this as an insult to the people of this country who have elected their representatives to sit in this Assembly and especially elected their representatives to represent them in Finance Committee.

Finance Committee, as laid down in our Standing Order, shows clearly that the intention at the time when it was placed there, was that only the people's representative should vote their money. It has worked in the past and it can work in the future, (I am talking of its present standing in the Standing Orders) and it will work for the people. But what is happening today as I see it, the people are being pushed in the background.

I would say that our last budget proved beyond a shadow of a doubt how well the Standing Orders work; how well our Finance Committee works under the able guidance of the First Official Member who is the Financial Secretary, we have no problem with that. He is a conscientious person who offers guidance that in my opinion it would take an excellent person to beat him. Yet, this is the gentlemen that the four Elected Members of Executive Council are prepared to crucify.

It is my opinion that this move is not for the love of the Official Members as we have heard, especially from one of the Members of the Elected Executive Council, it is not for the love of the Members, it is simply a grasp for power. Power to be able to do as they feel with the people's money, well knowing that if this Motion is passed the way it is, the Official Members will not have a choice, and because of collective responsibility the seven members will have to vote together.

This country does not need this and I am appealing to the people to stand firm, and not to allow this to happen to this country. The present Council is taking away that right and they now have a right to stand firm and stop it. We know that if and when this is passed the many pet projects which we stopped at the last budget will be brought back. We will see the expensive split-site hospital, we will see the expensive Master Ground Transportation Plan and the "Jennet T", we will see the Post Office along the West Bay Road and we will also see the expensive dock project, which as I understand it, not too long ago a delegation travelled to the United States to discuss.

If the people of these Islands believe in what they have enjoyed over the many years, if they are concerned for their children and for the future, they must stand firm. I would like to warn the Government that their intention with these pet projects and indeed their boasting of the millions which they have in reserve, there is one thing, spending sprees can quickly take it away. They must be more cautious, they are dealing with the people's money and the people have every right to speak out and when they speak, the four Elected Members of Executive Council should hear and heed.

I have to congratulate the people of Cayman Brac and Little Cayman, for their firm stand on this matter. Their instructions to their Members of the Legislative Assembly goes without saying that they totally disagree with this Motion. It is my hope that the two Members for the Sister Islands will follow these instructions and stop this Motion before it is too late.

I know that the First Elected Member for Cayman Brac and Little Cayman has voted with the Government on this Motion but that does not mean that he cannot change his mind. He has that right, he also now has an obligation to listen to his people and I feel that I know that individual enough that he will be man enough to listen to the mandate that he has from his people and not to what the four Elected Members of Executive Council have to say.

The argument that there should be in Finance Committee the third Official Member because he has responsibility for Cayman Brac and Little Cayman is no excuse, Sir, no excuse whatsoever. My question to the four Elected Members of Executive Council would be who can be more responsible for Cayman Brac and Little Cayman in Finance Committee or in this House than their two political representatives? The people of Cayman Brac and Little Cayman are in a fortunate position to have a past District Commissioner as one of their Members with all of his years of experience in the Civil Service. They are in a good position to have the First Elected Member, Captain Mabry as their representative because this gentleman has many years of experience in the Legislative Assembly and in Finance Committee and I know that he knows the procedure in both cases.

From the projects which those two Members were able to secure funds for in our last budget, it is quite clear to me that they do not need the help of the Third Official Member in Finance Committee. In any currency, even the Jamaican dollar, a million dollars is a lot of money and that is exactly the figure which those two Members with the help of the other Backbenchers, were able to put into the budget for Cayman Brac and Little Cayman. That figure was over, much over what was originally submitted so why are we given this flimsy excuse that we have to get the Member in there, the Third Official Member because he is in charge of Cayman Brac and Little Cayman. Excuses are not good enough, the argument is not good enough and I would invite the four Elected Members of Executive Council to find a better excuse to pass onto the public because in my books that one is not acceptable.

I would further point out that if this is a concern of the four Elected Members of Executive Council, two things I will point out. How is it that when we nominated both Members from Cayman Brac, at the last Election it was that same four in Executive Council today who objected and would not support them. So it proves to the public that it is not the concern that they are putting forward to the public.

I would further point out in case they do not remember, that I saw in the early days, when the responsibility for Cayman Brac and Little Cayman was handled by the same Portfolio which the fourth Elected Member now controls and it worked well.

So if it is that this is their great concern, why then do they not transfer the responsibility or why then do they not approach the Governor to transfer the responsibility from the third Official Member to one of the other Portfolios? I believe that the fourth Elected Member of Executive Council

would be happy to take it, if not, he could give some of his responsibility to one of the other two Members who do not have too much. Then he would be able to handle it much better.

I do not see that as an excuse but again, may I point out to this country that it is not for the love of Cayman Brac and Little Cayman, as it is not for love of the Official Members but rather it is a grasp for power.

Executive Council realises that they are in the minority but at the same time, it is that old thing called pride and they will not agree to resign. But minority rule cannot be true democracy. This type of rule is heard of in countries with dictatorial Government where anything is done to remain in power. What this Motion is doing, is saying to the Official Members, you must vote with us and through this Motion and collective responsibility we are going to make you do so.

As backward as other Caribbean Islands are in many respects, this would never happen in their country. If any of those Governments had lost their majority immediately they would have been forced to resign and a General Election called and this is the way it should be. These four men should follow the process and resign, let the people decide it rather than legislating to remain in power.

I am appealing to you in your capacity as Governor and as President of this Legislative Assembly, to allow the three Official Members to abstain when this Motion is put to a vote. I see this as a matter that should be dealt with only by the people's representatives, the twelve Elected Members and if it means that the Governor has to get permission from Foreign Office to overrule the present Executive Council, (because I know they would never give you that advice) the Governor should do so.

Once again, I place my appeal to the President and to the Governor of this country to take the necessary action to stop this Motion. The people of these Islands are a peaceful people but never in my forty years have I seen them so riled.

This Motion which the present Executive Council has brought, has completely changed the attitudes of many of our people. This Motion is unnecessary, it is uncalled for and, I think it should be stopped. The time that the Government has spent on this Motion should have been spent on more pressing matters which this country is faced with today.

Number one on that list is none other than the increase in crime. You can hardly turn your radio on without hearing about rapes, hearing about someone with a gun, hearing about one crime or the other. What is being done?

Look at tourism, we have done much but we need to do more. We cannot become complacent because it is one of the mainstays of our economy and you know we cannot fool ourselves because if there is anyone among us who believes that when Cuba opens its doors, that we are not going to suffer. Well, we have the wrong thing in mind. I crave here to read from the Caymanian Compass of the Monday, 25th of June, a report which was made with regard to Cuba and it is entitled 'Cuba Hungry for Tourism', it reads:

"Kingston, Jamaica, Cana - The Caribbean has been warned not to take lightly the threat of Cuba as a potential tourist destination....."

Reports that Cuba is making use of its capacity to compete in the Caribbean should indicate to us...."

(referring to the Caribbean);

"....the extent to which we cannot afford to be complacent.

Cuba has been stepping up its tourism thrust, inviting foreign investors to finance the construction of luxury beachside tourist hotels and bungalow complexes for a 50 per cent share of ownership and profits.

Last year, however, more than a million visitors came to Jamaica, compared with Cuba's 300,000 tourists, mostly from Western Europe, Canada and Latin America."

Mr. President, that concerns me and it should concern the Government. I have another newspaper with the caption 'Cuba opens to Tourism' it reads:

"Cuba starved of dollar spending American visitors by a long standing US trade blockade is cautiously opening its economy to Western Europe to help get the pearl of the Caribbean back on the tourist map.

Cuba is now aiming to compete with such well known Caribbean destinations as neighbouring Jamaica and Bahamas."

Mr. President, I tell you, if it rubs those two areas I can imagine what is going to happen to poor Little Cayman. It goes on here to say that:

"....tourism earned Cuba about \$200M dollars last year but officials say that Varadero alone a sandy peninsular rimmed by beaches seventy miles east of Havana could earn \$500M dollars, if fully developed, per year...."

Mr. President, it goes on to say that through joint ventures development programmes will add 5,000 hotel rooms this year and that they already have 13,000 rooms in Cuba.

I have taken time to show Government that we need to attend to tourism much more than we need to attend to our Finance Committee. Our Finance Committee works well as long as we have the funds to go in there and discuss. But if tourism slips through our hands, we will not have any funds for Finance Committee. Furthermore, if something is not done about the crime again, our tourism will be threatened.

I mentioned before, and the fact remains, the people of these beautiful Islands have enjoyed a democratic type of Government all of their lives. A dictatorship Government or any other type of Government will never be accepted.

In praising this Motion, we heard from one of the Elected Executive Council Members, how many phone calls he had received. Well, I would like to add that all of us have, received many phone calls but I would go on to say that although he pointed out the calls were from a fair cross-section of the Island, what he did not say was the contents of the phone calls. My guess is that he was told in no uncertain terms that his Government should be ashamed of this Motion and that the people were opposed to it and that they should withdraw it.

MR. PRESIDENT: Would you like to take the break there, convenient?

MR. JOHN B. McLEAN: Yes, Sir.

MR. PRESIDENT: Proceedings are suspended for fifteen minutes.

AT 11:22 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:47 P.M.

MR. PRESIDENT: Proceedings are resumed. The Elected Member for East End continuing.

MR. JOHN B. McLEAN: Thank you, Mr. President.

A few days ago we heard in this Chamber from one of the Members of Executive Council that the opposition Backbenchers were not telling the truth, because he had been told by some lady that, we had confused her about this Motion. One of us had mentioned to her that if the Motion was passed, she would lose her house in Rock Hole. I know of no such statement, I know for certain I did not make the statement to anybody but my fear and the fear of the majority of the people is that they will lose much more than their house and land if this Motion is passed.

We know that one of the main reasons behind this Motion is so that the Elected Executive Council may be in a position to bring back their grandiose schemes. The fact is that one of those grandiose schemes was the Master Ground Transportation Plan. If that plan is implemented there will be many such women as the one which he said spoke to him, there will be many men especially here in George Town who will lose house and land and businesses in the process. I am not saying that they will not be compensated but the fact remains, the fact of the matter is they will lose the property over which the roads have to be built, that is a fact. Unless the four Executive Council Members have some hidden plan again where they are going to put the roads in the air, I do not think that is possible.

If a Backbencher did make that statement which the Member of Council spoke of a few days ago, definitely the Backbencher would be telling the truth because we know that if this Motion is passed that definitely, this country is going to have the Master Ground Transportation Plan.

So who is telling all of truth and who is not telling the truth? I wonder if the four Elected Members of Executive Council have forgotten about those little people that we used to hear about so often, or is it only at election time when they are remembered?

I have heard stories told in this Chamber by the four Elected Executive Council Members that one of the reasons for this Motion was because of their great concern over the touchy position the Honourable Financial Secretary was placed in when a tie arose in Finance Committee. And how they were concerned when he was forced to vote with the Backbenchers, how hypocritical can they be?

The present system of Finance Committee has worked, has worked well for over one hundred and fifty years. My question is why are they now concerned for the Financial Secretary's touchy position? Again, it is my opinion that it is not the Backbenchers telling half truth in this House but instead it is the other side.

They have no love for the Honourable Financial Secretary. If they did, they would not be doing such an injustice to him as this Motion proposes to do. It seems to me that once again, the Government is trying to do two things.

They are trying to make the public believe by telling them that they are putting the Honourable Financial Secretary in a stronger position. They are trying to make the public believe that they are patting the Financial Secretary on his shoulder but at the same time, they are also giving him a kick and I wish that I could have used a term which I heard one of the visiting delegates use here during the Commonwealth Seminar but I will keep that for a later date because I would not want you to rule me out of order.

I have heard them say how timely this Motion is. Yes, timely for them but again it is far from being the truth because Government Motion Number 3/90 is exactly the opposite. This

Motion is as untimely as the birth of a five and a half month old baby. I have to ask myself why? Why would the present four Executive Council Members go to this extent to remain in power?

I was reading a few days ago and I came across a short little quotation which was said by Eric Fromn and it makes it quite clear to me exactly why they are fighting so hard for power and he said, I quote:

"The lust for power is not routed in strength but in weakness."

Mr. President, the four Executive Council Members know that they are at their weakest and are trying to hold on but let me say, their weakness is just like a fine cord, just like a thread. This Motion, Government Motion Number 3/90 has that almost chaffed away. But you know, like all sinners, they can still be forgiven for this great sin by the people of this country by withdrawing this Motion. I will respectfully refer them to a comforting word of scripture found in Psalm 30, verse 10 and I ask that this be included in their Prayer:

"Hear, O LORD, and have mercy upon me, LORD, be thou my helper."

Executive Council need help but what is proposed in this Motion is not the help they need. They need help to overcome their great lust and their great struggle for power.

It is my opinion that this Motion happens to be the worst and the most serious item to appear on the agenda of this Legislative Assembly. It is a fact that this will affect every man, woman and child in these Islands.

It is distressing to know that we have a Government that would undertake such a move without first consulting the people's representatives and indeed consulting the people of this country. But again, it took the Backbenchers to take this matter to the people through a public statement in the newspaper and then what happened a few nights later, the four Elected Members of Executive Council called a public meeting and it would have been good for them to call a public meeting but instead they spent most of their time, castigating Backbenchers.

This is far from good governing but the general public is quite aware of the seriousness of this Motion and I am certain, although my people are very peaceful, I do not believe that they will be fooled this time. I believe it would have done those four Members good to tell the people the truth, the true purpose for which this Motion was being brought before the House.

The first reason should have been and they did tell this one correctly, that Finance Committee would be held in public which I am certain the majority of the people are in favour of and rightfully they should be. They will be dealing with the people's money so the people have that right.

Secondly, instead of what was told about the two Official Members, how they would be added to Finance Committee and the reasons which they gave, they should have told the public that the two Official Members would be added to Finance Committee in an effort for them, the four Elected Members to regain a majority. They should have told the public that the other reason was that they could bring back those expensive schemes such as that split site hospital, the Master Ground Transportation Plan, the post office and the dock project, not to forget about the "Jennett T".

Thirdly, they should have explained to the public that that same Motion, Government Motion 3/90 would have been demoting the Honourable Financial Secretary from his present position as Chairman to what will be a common Member of Finance Committee. They should have further explained that they were taking away a post from a hard-working Caymanian and were instilling the power in the Governor. But no, instead they told the people they would be be-stowing new powers on the Financial Secretary which would place him in a better position. How mean, Mr. President, how mean.

Let me say, I have spoken to persons from all over these Islands, including many who are directly involved in the financial sector and I still have not heard anyone who agrees to the contents of Government Motion Number 3/90. But instead, all are very much concerned over the action of the four Elected Members of Executive Council in trying to put through and as the newspaper talked about, trying to push through this Motion.

I will say again, the people of these Islands are not stupid, contrary to what one Member said about the people not understanding this Motion. The people understand, they understand very well. Nowadays, if you are speaking to a school child, they know about this Motion and they know exactly the far reaching effects it will have on these Islands if it is passed.

Contrary to how certain Members on the other side feel, I am very much impressed to know that we have concerned citizens who were prepared to go as far as to hold a public meeting here in George Town and I am also pleased to see the letters and concern of individuals and groups to the newspaper and publicly.

I trust that the Government does not take this lightly. We have heard much said against young groups and other groups on the floor of this House and I would say that this is bad for the country. Our present Government should not stoop that low. When we speak of the Chamber of Commerce and we speak of the other professional groups, it should not be an attack on the floor of this House because those groups are individuals and are not able to come in here and rebut what they are saying about them, it is just not fair.

I trust that with all that has been said in the newspaper and elsewhere that the Government now realises that it is more than the seven Backbenchers opposing this Motion, it looks more to me like it is closer to the majority of the public. But you know, there is that old saying 'there are none

so blind as those who do not want to see', I am certain that they are trying their best not to see this, but it is a fact.

It is good to know that at a recent meeting held in this Chamber some months ago, the CPA seminar, I am most happy to know that the matter of Finance Committee was discussed there, which confirms to the general public that what the Backbenchers are saying about this Motion is correct, our stand on this Motion is correct. It is a fact it was the view of all Resource Speakers that our Finance Committee should be made up of only Elected Members and chaired by the Honourable Financial Secretary. I know this has been mentioned before but it is important enough that I am going to mention it again because I am going to read exactly what the Resource Speaker said at that seminar. I will begin by reading the words of the Honourable Sir John Sharpe, Minister of Bermuda and a former Premier and I quote:

"The expenditure has always rested with the elected Members of Parliament. In Bermuda, that was implied, it is still implied. 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."

Mr. President, the Honourable David Tonkins, who is the Secretary General of the Commonwealth Parliamentary Association also felt that the Finance Committee should be made up of Elected Members and his words were and again, I quote:

"The fundamental difference here is that the Finance Committee is a way of making sure that it is the Elected Members who examine the financial expenditure in the true traditions of Westminster."

Mr. President, all other Resource Speakers at the seminar agreed with the view that Finance Committee should be made up as is clearly laid down in our Standing Orders at present. And again, for the listening public, I will read exactly what our Standing Order 73 has to say, it is as follows:

"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 Finance Committee shall consist of the Financial Secretary as Chairman and all Elected Members.

The quorum of the Finance Committee shall be seven Members including the Chairman."

Mr. President, as I have stated many times, this Standing Order has worked well in the past. I can see it working in the future and I can see no reason why the present Executive Council would want to change it except for the reason I have pointed out, to have their way with the people's money.

I will assure the Government that all the moaning and groaning they have done on this Motion, their arguments have not changed me. This Motion is not good for this country and again, I appeal to the Government to withdraw this Motion and save this country a lot of grief. Should they not withdraw it, I am asking once again that the Official Members be allowed to abstain when this matter goes to a vote.

I am aware as I stated earlier, that it takes the advice of Executive Council to advise the Governor that this should be done. But I know that they would not give that advice but if they are so sure of this Motion, if this Motion is so good, I challenge them to allow the three Official Members to vote as they feel and may be they will see that their weakness goes much further than losing their three Backbenchers.

I am also appealing to the First Elected Member from Cayman Brac and Little Cayman to think of his mandate from the people of Cayman Brac and Little Cayman; to think of this country and to vote against this Motion.

Enough has been said on this Motion so in conclusion, I will once again remind all Members of their obligation to the people of this country and at all times they should put country before self. As I mentioned earlier, the Cayman Brac Members have a clear mandate from their people because the people of Cayman Brac and Little Cayman has taken a very firm stand on this serious Motion which has been brought here by Executive Council and I trust and I hope that this mandate will be followed by both Members.

Mr. President, I rest my case.

MR. PRESIDENT:

Does the Member who moved the Motion wish to reply? Or does any other Member wish to speak? That was unintentional. The mover?

HON. BENSON O. EBANKS:

Thank you, Mr. President.

Mr. President, I wish to thank my colleagues on this side of the House for the very able way in which they gave their support to this Motion, the Motion to reject the report of the Standing Orders Committee on the proposal to amend the Standing Orders as contained in Government Motion

No. 3/90.

I also wish to thank the First Elected Member for Cayman Brac and Little Cayman for his invaluable contribution on this Motion. It was in my view the best speech he has made in this Honourable House, if not the best I have heard by any Member in here. It was clear, concise, well thought out and delivered in a sincere and statesmanly manner.

I wish to thank the seven Members of the Backbench as well, for their contributions. They have made my task of replying very easy. Indeed they have shown very clearly beyond a shadow of a doubt why it is necessary to amend the Standing Orders in the way proposed.

Some Members seemed upset at the remarks which I made in moving this Motion; about people with sticky fingers who worked in banks; about people who tried to coerce Government departments for which they were responsible, to purchase goods from them; about people who carted away merchandise from their employers before their employers arrived at their business place in the morning; about people who have been involved in dealing with Government for properties at inflated values.

All of my allegations are well documented facts, save the one about the sale of goods to the Government department concerned. And since the head of that department, has gone on to reap his heavenly reward, I do not propose to deal with that. The mere mention should be enough to remind the Member responsible of that, about which I speak.

Let me repeat, that I am not talking about a departed Exco Member, I am talking about a departed head of a Government department.

The sticky fingers, suffice it to say, that as another Member once said about that person, he is not lily white and he knows it. If that were not enough the point has been amply proven by the fact that last Friday my notes were stolen in this House.

I would have thought that the Third Elected Member for West Bay would have known me well enough by now not to challenge me on anything which I might say in this Honourable House or elsewhere.

I hold in my hand, and will read from a document, a copy of which I will table the moment I have completed reading from it to prove authenticity. It is a valuation done by Government's Land Officer on the 14th of January 1983, for a duplex in the Spots/Newlands area of Grand Cayman, sold by the Third Elected Member for West Bay to Government on the 14 April 1983...

MR. JOHN D. JEFFERSON, JR.:

On a Point of Order, Mr. President.

HON. BENSON O. EBANKS:

and....

MR. PRESIDENT:

There is a Point of Order.

MR. JOHN D. JEFFERSON, JR.:

The Point of Order I would like to mention is that the duplex was also owned by two other Members of Government.

The Point of Order I would like to mention is that the duplex was

MR. PRESIDENT:

That is not a Point of Order. That is not a Point of Order.

MR. JOHN D. JEFFERSON, JR.:

Well he is

MR. PRESIDENT:

clarify the point?

You could put it this way if you wished. Would the Member

MR. JOHN D. JEFFERSON, JR.:

Yes, would he?

MR. PRESIDENT:

how you are putting it?

I will deal with one Member at a time, if you do not mind. That is

HON. BENSON O. EBANKS:

Mr. President, I am dealing with that Member, And I am not about to involve anybody else. If the Member wants to involve other persons, that is his business.

MR. JOHN D. JEFFERSON, JR.:

Am I allowed a point of clarity, Mr. President?

MR. PRESIDENT:

something on the point. Yes.

I think in effect the speaker has given you the opportunity to say

MR. JOHN D. JEFFERSON, JR.:

unethical about that whole transaction.

All I would like to say about that, is this, that there was nothing

MR. PRESIDENT:

I do not think that is the point at issue.

MR. JOHN D. JEFFERSON, JR.:

That is the point.

MR. PRESIDENT:

Excuse me, the Chair will decide what the point at issue is. So far, nothing has been said about unethical aspects at all.

MR. JOHN D. JEFFERSON, JR.:
transaction.

Mr. President, let me just give you the facts concerning that

MR. PRESIDENT:

No, I am sorry...you are not

HON. BENSON O. EBANKS:

The facts will be given by.....

MR. PRESIDENT:

way in a debate. I am sorry, I must ask you not to do it.

Please, order, order! It is not in order for you to intervene in this

objection, then that is the moment to say it. All right?

At a later stage if there is something to which you have

MR. TRUMAN M. BODDEN:

I would like to take a Point of Order, that that is irrelevant to this debate, what he is going on with relating to personal issues and personalities. That is what is creating the problems in this House, Sir.

I would like to take a Point of Order, that that is irrelevant to this

(SOME MEMBERS:- Hear, Hear,)

MR. PRESIDENT:

about 90 per cent of what has been said in this House certainly in the last few months would be similarly out of order. I have said many times Members have asked for the greatest latitude in debates and the Chair permits that. I am afraid that whatever my views on the standard of the conduct of the House, that is the situation.

If I were to accept that as a Point of Order, I would think that

HON. BENSON O. EBANKS:

Thank you, Mr. President.

was dated the 14th of January 1983, for a duplex in the Spotts/Newlands area of Grand Cayman, sold by the Third Elected Member for West Bay to Government on 14 April 1983.

I think I have reached the point where I said that this valuation

that could be obtained out of the Government Land Officer at the time was \$108,000. I have seen the transfer form dated the 14th of April 1983, and the consideration paid by Government for this duplex was C\$ 152,000.

And it will be noted from this valuation, that the highest valuation

over value of 40.74 per cent and if that is not an inflated price, then I would like to know what is.

According to my calculations, that is an inflation or premium

not condone or support any rip off of Government.

They talk about 10 per centers, and I want to make it clear I will

talk about the 10 per centers in this Government would like to bring some proof of his irresponsible and unsubstantiated charges of 10 per cent deals today. All I can say is that the Unity Team Government should have come so cheaply.

But perhaps the First Elected Member for West Bay who likes to

This transaction was the subject of the comment in the Auditor General's report on the Government accounts for 1983, all public documents, Mr. President. And, of course, the deal on the land for the garbage dump was also the subject of comment by the Auditor General in that same report.

In that case the Government Lands Officer placed a value of

\$75,000 on the land, Government paid \$390,000 for the property.

The sale of property by the Member from East End to

Government in excess of Government Land Officers valuation was also the subject of comment by the Auditor General who stated that Government had not in his opinion received value for money by a relatively large margin.

What is significant is that the valuation of the duplex that I

referred to was made at the request of the Third Elected Member for George Town, who had nothing legally in my opinion what-so-ever to do with Government land purchases at the time. Which can lead to only one logical conclusion and that is that he too was involved in the skulduggery.

Mr. President, they are the ones who get up here and thump

their chests about them being the protectors of the Government purse, the people's money. It appears from what I have said that they took care of it all right.

Of course, since the Public Accounts Committee did not meet

for the period November 1980 to 1984, there has been no Government Minute or response to the Auditor General's charges of Government being ripped off from inside and out during that period. I will speak at greater length on that, later.

But lest it be said that I did not read the document, I want to do

that. It is to the Principal Secretary:

(DOCUMENT TABLED):

AGRICULTURE LANDS AND NATURAL RESOURCES our reference Lands No. 11. It is from the Lands Officer dated the 14th of January 1983 and the subject is valuation of property, duplex at Savannah, Block 28 B parcel 46.

Now Mr. President, this is what it says:

"In accordance with a request made by the honourable Truman Bodden at a recent meeting in your office on the 11 January 1983, I enclose herewith a valuation of Mr. Jefferson's duplex based on the replacement cost basis.

As I explained the replacement cost does not always correspond to market value; depending on market conditions the former may be greater than the latter and vice versa.

The investment basis used initially was purely a "means to an end", and does not imply that Government will be purchasing the property as an investment."

(Obviously that was the argument that was being put to the Lands Officer).

"The foremost question in determining the market value is "what the property will sell for in the open market tomorrow?" Vendors and purchasers do not usually make their estimates of value based on cost, rather on factors related to supply and demand, the quality and nature of the accommodation, and particularly important, the location of the property. Such factors are not usually reflected in the reinstatement cost of the building.

For these reasons the investment basis was considered appropriate in determining the open market value. In the open market, prospective purchasers for a duplex property offering a good rental income are likely to be persons purchasing the right to receive that income in perpetuity.

However, in this instance reinstatement cost may provide a useful check to the valuation and it is advantageous in assessing value to use as many methods as possible to arrive at a solution."

The Officer goes on, Mr. President, to give a valuation based on reinstatement cost:-

"I am informed by a reputable contractor that an approximate cost per square foot for a building such as this would be in the region of CI \$50 per square foot."

Remember this was written in January 1983. Depressed economy, as far as real estate was concerned and other matters as I will show as I get further into my contribution on the remarks made by the Second Member for Boddan Town yesterday. And he goes on, Mr. President:--

"Estimated Gross External Area	= 1985 square feet
Building Cost	CI\$ 50.00
Total cost	CI\$ 99,250.00."

in other words multiplying 1985 by 50.

"Less say 10% for depreciation *(1)CI\$	9,925.00
cost allowing 10% depreciation	CI\$ 89,325.00

Value of site from recent sales of similar lots in vicinity	CI\$10,000.00
----------------------------------------------------------------	---------------

Total depreciated replacement cost of property say CI\$99,300 (at CI\$55 per square foot this figure would be CI\$ 108,258)."

That last bit, Mr. President, is in brackets. I will read that sentence again:-

Total depreciated replacement cost of property say CI\$99,300 (at CI\$55 per square foot this figure would be CI\$ 108,258).

And there is a note in relation to the ten per cent depreciation which the Officer put in:-

"Note * (1) : in terms of value, depreciation is not usually quantifiable (except in extremely obsolete buildings) because of the effect inflation has of masking any decrease in "real value" due to depreciation. Thus it is usually only as the building nears the end of its economic life that depreciation reduces the value at a faster rate than inflation can increase it. In this instance, I have been specifically requested to allow an appropriate figure for depreciation.

If we refer to the value of the property given by the investment method previously - CI\$108,000 (furnished), this would appear to tally quite closely with the figure given

above as shown: -

Value furnished	CI\$	108,000
Replacement cost (unfurnished)	CI\$	99,300
Value attributable to furnishings say	CI\$	8,300

In conclusion therefore, I maintain that in today's market which is experiencing a "slowdown", and in which houses are quite difficult to sell, a valuation of CI\$108,000 (furnished) is most realistic. Of course, a valuation can only be a close estimate and the actual price eventually negotiated may be slightly more or slightly less. I have observed several instances where vendors are unable to attain a higher price for a property now, than they originally purchased the property for last year.

Signed by the Lands Officer."

I ask the Sergeant to pass this to the Clerk to enter into the records that people can scrutinise it.

Now, I do not know of any wrong doing by the First Elected Member for Bodden Town in regard to any of the irregularities which I mentioned in my presentation, so perhaps he had room to question why I was not more specific in my mention of these unsavoury acts during my presentation of this Motion. But he should have realised that I do not take any great pride in having to do what I have just done.

In my presentation I operated on the premise that a word to the wise would be enough to stop the irresponsible charges that were being hurled from the other side. But how wrong I was, they are irresponsible beyond comprehension.

Now I might add that the First Elected Member for West Bay knew all about this duplex deal. I gave him a copy of those documents in 1988. He knew of most of the other land deals, because they are recorded in the Hansard of this House. But it is interesting to see that he has chosen to make his nest on that side.

There is an old adage, 'birds of a feather, flock together' and all that I have to say from this side, is good riddance to bad rubbish.

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

MR. PRESIDENT: Order! Order!

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

MR. PRESIDENT: Is this a Point of Order?

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

MR. PRESIDENT: I am not saying Order, Order, to you, let me make that clear.

MR. W. McKEEVA BUSH: I understand you, Sir, quite well. I am referring to Standing Order 35 (3) - the Member using offensive and insulting language. The Member has referred to Members of this House as doing wrong. He cannot find anything that he can charge me with, but that I have made my nest with them. But referring to me as rubbish. If that is not offensive and insulting, then what is it, besides being untrue?

MR. PRESIDENT: I am afraid I cannot accept that as a reasonable Point of Order in the light of things that have been said by other Members, including yourself in this House.

I would dearly like, as Chairman of this House, as Presiding Officer, to impose Standing Orders exactly as they are. But I am aware that if I did so, most Members, would feel that I was limiting their freedom of speech. That point has been made to me several times. That is why as Chairman I allow latitude and, if the thing goes too far, I try to see that there is an even amount if you like abuse from both sides of the House.

MR. W. McKEEVA BUSH: Mr. President, did I charge any Member directly with anything?

MR. PRESIDENT: If you are disputing my ruling, please do it in the normal way.

MR. W. McKEEVA BUSH: No, Mr. President, I want to give a Notice of Motion of No Confidence in the President of this House.

MR. PRESIDENT: In that case will you kindly table it in the normal way with the Clerk and it will be dealt with.

MR. W. McKEEVA BUSH:

It will be done, Sir.

MR. PRESIDENT:

Thank you.

I think we could take the break, we are very close to it. I might say that in regard to such a proposed Motion, there are times when I would rather not be Chairing this House. Proceedings are suspended until a quarter past two.

AT 12:45 THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:35

MR. PRESIDENT:

Education continuing.

Proceedings are resumed the Honourable Member for

HON. BENSON O. EBANKS:

Mr. President, when we took the break I was dealing with a matter that I said did not give me any particular pleasure to have to deal with, but it had to be done and I did it. As far as I am concerned, the Third Elected Member from West Bay can take whatever action he chooses, now that I have done what I had to do.

As for me, having said my piece I will do as he suggested in the wedding ceremony that is, 'hereafter hold my speech' at least on that subject.

MR. JOHN D. JEFFERSON, JR.:

That is not the end of it, Sir.

HON. BENSON O. EBANKS:

Unless he...

MR. PRESIDENT:

I hope I do not have to remind Members again that you address the House standing up and do not use your microphones unless you are. Please let us try to behave ourselves. Please continue. I was not addressing the Member speaking.

HON. BENSON O. EBANKS:

I was saying, Sir, unless he or any of the other collectively irresponsible seven Backbenchers want to take me on.

We, the Elected Members of Executive Council have been accused of maligning the press; the Caymanian Bar Association, the Chamber of Commerce, the Young Caymanian Businessmen's Association; and individuals over Government Motion No. 3/90, the basic subject of this debate.

I make, and I am sure my colleagues make no apologies nor do we need to make any apologies for anything we may have said in this connection. I did make the charge that in the case of the Caymanian Compass their editorials and other articles on this matter were less than enlightened and less well researched than we should be able to expect from our only daily and national newspaper.

The Second Elected Member for Bodden Town, in his usual rambling, bungling contradictory fashion made this point very clear when he said that his understanding of the article (for whatever value his understanding of anything might be), quoting myself and the Honourable Administrative Secretary in an interview as recorded in the Compass newspaper on this issue, was, that it was a common face-to-face interview.

The truth is that my interview was a telephone interview from my office in the Government Administration Building with me alone in my office. The Honourable Administrative Secretary can speak for himself, but I certainly was not present at his interview.

So if the Second Elected Member for Bodden Town can come to that conclusion, you can see why we say what we do about that paper.

I was uncomplimentary in my remarks about the Caymanian Bar Association. And well I should be. This is an Association from whom the country should be able to look to for well informed, legally correct comment on an issue of national concern and what do we get? A bunch of hog-wash and rubbish!

In the case of the Chamber of Commerce, the Young Caymanians Businessmen's Association and individuals, my comment was that I would be generous and say that I believed they were well intentioned but misguided. My attitude to them can best be shown by reading a letter which I wrote to Mr. Leacock in response to a letter he wrote to the Elected Members of Council and I quote;

"Dear Troy,

I thank you for your letter of the 20th instant and hasten to let you know that I am not offended in the least by your letters to the editor of the Caymanian Compass or even your involvement in the petition against Government Motion No. 3/90.

You use several adjectives which are supposed to be, according to you, what Members of Executive Council have used to describe those who oppose the Motion.

I cannot speak for others, but what I said in reference to the representations of both the Young Businessmen's Association and the Chamber of Commerce, I stand by and that

is, that I think they were well intentioned but misguided.

I ask you to reflect on those words and I am sure that you will on reflection agree they are not insulting or questioning anyone's intelligence.

Anyone, however well informed and intentioned can misguide themselves on any issue, especially with a little bit of rabble-rousing thrown in by self-serving opponents.

You may recall that many appeals in Court have been upset because the Appellate Court finds that the learned trial Judge misdirected himself on a point of law.

You can accept my assurance that I am in no way offended by your actions nor do I question the sincerity of your purpose. Conversely, I would expect that you will accept that I have a right to my opinions.

I have been elected as a representative and not a delegate, therefore, I consider it my duty to do as I see best and can only trust that you and all other constituents will see the correctness of my stand in due course.

I can do no more or less and live with my conscience.

Best wishes and kind regards, sincerely,

Benson O. Ebanks."

Now if the Clerk wishes to have this copy, she is welcome to it, Sir. But I assure you that that letter was hand delivered and mailed. So it went on two routes.

Let me hasten to add that it has been my experience that many associations around town, have mostly common memberships who apparently use these associations to promote their personal grievances and political views and opinions under the cloak of respectability which they would not otherwise have.

It is my personal experience that the views as expressed in such articles and letters do not, and I repeat, do not always represent the views of the general membership of those associations. In fact, they are often the handy work of one or two misguided and disgruntled individuals.

One such individual, is the young lawyer whom I gave the name of the student from Kalamazoo some time back. I understand he does not like that name or title now, since I understand he was going to assault the Member for Health last Tuesday evening for referring to him by that title. Since he is upset by that title now, it seems, I will say that I was very generous in giving him that title and that I will now refer to him as the boy from Kalamazoo, because he is the most infantile man I have ever met.

MR. PRESIDENT: I said earlier that give and take, there had been great latitude, but I think you are coming on a bit strong if I may use vernacular expression.

HON. BENSON O. EBANKS: Thank you, Mr. President.

But I will continue to make my point that it is not difficult to understand why he would dislike this Government, especially myself and the Member for Tourism, since we rebuffed his advances on assuming office in 1984. To continue, I had his fat cat position, I do not know if that is unparliamentary.

MR. PRESIDENT: I think it probably is I must leave it to the judgement of Members to keep within, I was going to say within reasonable bounds.

HON. BENSON O. EBANKS: Yes, Sir. So I will just say then, since that might be unparliamentary, I will say to continue his position of Government representative or CAL or Cayman Turtle Farm representative or whatever it was in Washington at the time. But I would add that it is no wonder that the Cayman Islands was on its knees as far as its position with the United States was concerned when we assumed office in 1984, with a representative like that representing us in Washington.

You know, I would not be surprised if we hear some howls from the other side about that statement as well because according to letter heads I have seen, he was an associate or consultant or something of that order to one of the local law firms at that time.

Is it any wonder that the people of this country, well intentioned people of this country have been made to look stupid by signing the petition which is now making the rounds on Government Motion No. 3/90 when it is incorrectly addressed to Sir Geoffrey Howe as the United Kingdom Secretary of State for Foreign and Commonwealth Affairs, instead of the correct Secretary, Mr. Douglas Hurd.

This stupidity could be over looked maybe if Mr. Hurd had only now acceded Mr. Howe, but there was even Mr. Major as Foreign Secretary in between. For the enlightenment of that individual, and those associated with him, Sir Geoffrey Howe is now the Deputy Prime Minister of England.

It is just possible that the Backbench have been saying all along that they were going to do all that was legally possible to stop this Motion and I notice that after Tuesday's paper,

the Compass in which the Elected Members of Executive Council in a paid advertisement pointed out the error, the First Elected Member for West Bay then announced that they were going to No. 10 Downing Street over this issue. Perhaps with the hope of finding Sir Geoffrey there and ask him to send someone with them to the Foreign and Commonwealth Office to take it to Mr. Hurd.

Obviously they must have been listening to and viewed the programme, 'Yes, Mr. Minister', and do not feel satisfied that the petition as signed and addressed will reach the rightful Foreign Secretary Mr. Douglas Hurd and feel obliged to hand deliver it.

Far be it from me to preach or suggest anything violent but I think it would be in order if the well-meaning people of this country who were duped into signing that ridiculous petition, believing it to be a reasonable thing to do, caught that infantile man and gave him a good switching.

And you know, I am lead to believe...

MR. PRESIDENT: Excuse me one minute, one minute. I am not entirely sure to whom the reference 'infantile man' is. If it is to a Member of the House I do think that is going too far.

HON. BENSON O. EBANKS: No, Sir, it is to this student from Kalamazoo. He drew up the petition I think, except with the explanation that I am going to give following.

MR. PRESIDENT: Well the point is, that in Standing Orders (I am doing this from memory, so I had better check), it is out of order to use offensive or insulting language about other Members, but I am afraid that does not cover persons outside the House. That is why I asked the question.

Is that a Point of Order?

MR. TRUMAN M. BODDEN: May I take a Point of Order, Sir? Surely he is suggesting to the public that they go and commit a criminal offense by using force on another person. That is what he is referring to.

MR. PRESIDENT: I do not quite see how that is out of order.

MR. TRUMAN M. BODDEN: To incite somebody to commit a criminal offense?

MR. PRESIDENT: No, it is not out of order, it may be a criminal offense, but that is not a matter for the Chair of this House.

HON. BENSON O. EBANKS: But, but, Mr. President, those Members have short memories.

MR. TRUMAN M. BODDEN: Mr. President, one of the words listed under the Appendix on unparliamentary words if we cannot go any further, is the word criminal so any

MR. PRESIDENT: Which appendix is it?

MR. TRUMAN M. BODDEN: It is the appendix to the 19th Edition.

MR. PRESIDENT: Of what?

MR. TRUMAN M. BODDEN: Of May's Parliamentary Practice.

MR. PRESIDENT: You have not told me that, so how do I know what it was?

MR. TRUMAN M. BODDEN: All right, well then I am sorry, I will repeat it. It is at page 445, it is not found in the 20th or the 21st. You know I can do no more on that, I will leave it.

MR. PRESIDENT: I take your point, but it seems to me that we are talking about a rhetorical statement. If you think the Member is seriously inciting people to commit a criminal offense then it would be out of order, but it seems to me it is a rhetorical statement in line with many such rhetorical statements made in this House.

I think the point is this has being a very rough and tumble debate on both sides. And I shall say again, which I said this morning, if Members wish the Chair to impose Standing Orders rigorously I will be grateful if you will all let me know and I will do it from after the end of this debate. Clearly I cannot do it immediately.

MR. W. McKEEVA BUSH: Mr. President, I want to draw attention to the Chair, that when the Member started his debate we rose and objected and no debate had started as yet, so I will bring that to your attention.

MR. PRESIDENT: I do not quite follow that, would you explain?

MR. W. McKEEVA BUSH: On the 11th, when the Member speaking now introduced the debate, he started the same offensiveness and insulting language. We drew it to the attention of the Chair and I just want to remind you of that at this point.

MR. PRESIDENT: I am grateful for the reminder, but I can go back again to the point that it is not only in the debate on this Motion that Members have tested the bounds of Parliamentary expression. I think you will agree with that. Carry on please.

HON. BENSON O. EBANKS: Yes, Mr. President, only to say that I do not accept from the Third Elected Member for George Town that I did anything wrong, I said, 'far be it from me to suggest anything violent or to preach such a thing'.

And what I said was, 'if they caught that infantile man and gave him a good switching'. We have a common phrase in Cayman, about putting a cabbage tree switch on somebody, that only reminds them they have done wrong. It is not even violent. It stings a bit! It is a rod of correction, Sir.

And you know I am lead to believe that the Third Elected Member for George Town, the former Member of Executive Council for Education, had his hand in the preparation of that petition because the petition, as the four Elected Members of Executive Council pointed out in their paid advertisement, talks about the Westminster style of Government rather than the Westminster system. That Member used the word Westminster at least 12 times in his debate on this Motion. I saying the circumstantial evidence links him to the motion.

Is there any wonder, Mr. President.....

MR. TRUMAN M. BODDEN: Mr. President, he has got to the state where I am not answering him anymore.

HON. BENSON O. EBANKS: Is there any wonder, that we have to have a complete review of the education system now? You know, that Member the Third Elected Member for George Town has the audacity to chide me often about trying to play lawyer. I have to wonder who is playing what, Sir?

While I am at it, let me say something else. I have never professed to be an educated or even academic individual. I have never laid claim to any other qualification than a senior Cambridge Certificate, all be it a good one, and the first one to be held by a Caymanian male, sat and passed at the Cayman High School at my father's expense and on my brother's financial guarantee.

I am a graduate of the best university in the world, the school of hard knocks and of experience, which teaches even fools to be wise, a university seldom visited by those who think they are educated.

So I am no fraud on my people, they know me. If I make a mistake they can only say we know he did his best, he made a mistake. Or they would even be at liberty to say, I am fool.

But when every Caymanian of his age and older looks at and listens to the Third Elected Member for George Town they have the right to say, my God, is that what Government spent my hard earned dollar on to produce? Did we pay for him to study to get that way?

Now if it was not unparliamentary I had some more language and adjectives to use on that young man, but I will forego that for the time being. But while I am dealing with this aspect of my reply let me deal with the First Elected Member for West Bay.

He made reference to the incident with his motor car. And here I want to point out that contrary to what he attempted to let this House and the public believe, the incident with his car occurred before this Motion was made public or brought to this Honourable House.

Members will recall that it is reported that the First Elected Member for West Bay had his car window broken. I was in Jamaica when it happened, but shortly after my return I was told by the Member for Health that he had been requested to come to the police station to assist them in their investigation of the damage to the First Elected Member for West Bay's car. That Member had told the police that there were only three people he could think of who would do such a thing and the Member for Health was one of them.

MR. W. McKEEVA BUSH: On a Point of Order, Mr. President. If the Member is good enough to give way I would like to explain.

MR. PRESIDENT: Point of Order.

MR. W. McKEEVA BUSH: Mr. President, that is not correct. When the police..when the incident happened, and the police came that afternoon they asked me if I had ever been threatened? And I said, yes, I had been threatened. At first they asked me if I knew who it was? And I said no. But they asked me if I had ever been threatened? I said yes, I had reported that I had been threatened. And I told them who I had been threatened by, by the Minister of Health, his brother and Jim Lawrence.

HON. BENSON O. EBANKS: I do not see where that adds anything to what I was saying, Sir. Of course, it is my understanding that when it came time for him to sign the complaint he was not man enough to include that statement or that accusation in his statement.

The Member for Health has stated similarly in this House and that he was saved only by the fact that he was with the Medical Officer of Health and the visiting consultant from PAHO, for several hours before and several hours after that incident is alleged to have occurred. Otherwise, he the Member for Health might not have been able to establish such a water tight alibi.

Some days after that incident, I was approached by a man in

George Town and asked what I knew about the incident. I replied that I knew nothing, I had only heard about it. The man insisted that I must know something about it, where upon, I became a little annoyed and said, I do not know anything about the incident! I had heard that his car window was broken and that my only regret was that his 'adjective' neck was not broken with it! That was my comment, not that his head should have been mashed up! I...

MR. W. McKEEVA BUSH: On a Point of Order, Mr. President. I wonder if the Member would give way?

HON. BENSON O. EBANKS: Mr. President, let him sit down. I am going to say what I have to say.

MR. W. McKEEVA BUSH: Thank you, Sir.

HON. BENSON O. EBANKS: I knew that what I said would reach the First Elected Member from West Bay well embellished, as is the custom in Cayman. We had a Committee meeting of the House that day, the same day I made the statement, so when I came into the Common Room of this Honourable House I found the Member there and in the presence of witnesses, I told him that I had been questioned about the damage to his car and what I had said, word for word, Mr. President. I added that I was telling him myself, as I did not want him to get a distorted account, as I knew he most likely would. I did not suspect at the time that he himself would distort the account.

MR. W. McKEEVA BUSH: Would the Member give way, Mr. President? You know this is a serious matter and if he is man enough, would he give way?

HON. BENSON O. EBANKS: There is one word missing from what I said and I pointed out that I used an adjective and I am not going to use the word that I used in the Common Room on this floor. If that is what he is attempting to get,....

MR. W. McKEEVA BUSH: No!

HON. BENSON O. EBANKS: That is the only thing that is missing, Mr. President.

MR. W. McKEEVA BUSH: Would you be man enough and give way?

HON. BENSON O. EBANKS: You sit down!

MR. W. McKEEVA BUSH: Because there is a whole House that was in there!

HON. BENSON O. EBANKS: There are witnesses, I said that.

MR. W. McKEEVA BUSH: You said my head should be mashed up, but you cannot say so now!

HON. BENSON O. EBANKS: I did not say that! If I had said it, I would have told you so. I believe in telling the truth, Mr. President.

MR. PRESIDENT: Let's proceed with the debate please.

HON. BENSON O. EBANKS: I believe in telling the truth as I will demonstrate as I go on in this contribution.

As regards to the incident on the plane on the way to Cayman Brac, where he went to disrupt our publicly advertised meeting and let me hasten to add, that those advertisements are not being paid for by Government. He can ask the Auditor General since he is a member of the Public Accounts Committee. That money comes out of our pocket.

But that incident did not go exactly as he said either. I will recount the truth. This one was in jest, he did board the plane and sit by me in the window seat after making a few nasty remarks at the foot of the stairs, one being to the effect that yes, "he was travelling first class and that he had paid for his" ticket. I do not know how he expected the four Elected Members to have been travelling, because we have no free passes on CAL either. I did not ask him, he made the remark figuring I would pick it up. But I left it right where it was.

Now when he sat down he had the window seat as I said, and he said something to the effect that, 'he hoped I did not push him out'. I have the belief that he felt that is what I should have done. But you know I have a conscience, Sir.

He was not offered something to drink as he says. He in his usual way, shouted to the stewardess, 'come here!' And when she asked if she could help, he said, 'get me a vodka and tonic'. She asked him to repeat it and when he told her, she repeated the request and when she said, 'vodka and tonic', I added 'and a liberal dose of strychnine if you have it'. Likewise in jest, Mr. President.

Of course, of course, I am sure, that Honourable Members and the listening public would know that it is inconceivable that Cayman Airways would include strychnine in their drink

or food stock on board.

Now when I said what I did, he raised up and shouted, 'unna hear that! Hear what he said!' 'He asked the stewardess to pour strychnine in my drink before these four witnesses'. Where upon I said, 'yes, you idiot so go tell Truman, and I am sure he will be stupid enough to take a law suit against me for it'.

The Member then said, "that he could not ask Mr. Truman to do anymore for him, as he already had his hands full with his cases; and I asked him whether those cases were for him or against him." Because, as I know, the Third Elected Member has been on both sides of that issue too, and probably will be again if he is not careful.

Then, to my relief, he asked Dr. Tomlinson to change seats with him and that is the end of that story. I think that I should tell a little bit more about the Cayman Brac meeting, because other Members have also referred to that meeting. That is the Cayman Brac meeting held by the four Elected Members of Executive Council, chaired by the Honourable First Elected Member for Cayman Brac and Little Cayman.

We had a good audience, about 75 people I would guess. There were some people with placards, but they were orderly. The four Members each spoke and the First Elected Member for Cayman Brac and Little Cayman made some remarks and although it was late we opened the meeting for questions. We were catching a flight back that night.

At question time three people asked questions or made statements which indicated their opposition and of course we did our best to answer. One such question I recall was, "why did we want to change the Constitution at this time?" And I fielded that question, Mr. President.

When I was explaining that we were not proposing to change the Constitution but the Standing Orders the First Elected Member for West Bay, shouted from the back of the hall, 'it is the same thing, answer the man', thereby disrupting the meeting as he had attempted to do from the time I began to speak that night.

I calmly said to the audience, "ladies and gentlemen, I apologise for the behaviour of that West Bayer at the back. Let me assure you, we do not all behave in that manner".

After the meeting, many people greeted us in a friendly way and said how happy they were that we had found it possible to come over. The untruths that were being told and spread by the opposition were unbelievable.

Some of the untruths mentioned were that they had been told that import duty on motor cars was being raised to 40 per cent. That the license fee on motor cars was being raised to \$450 per year and, that a driver's license would in future cost \$400 and that there was some form of tax being proposed whereby Government would be taking 10 cents out of every dollar earned.

No wonder that the people were upset with the First Elected Member for Cayman Brac and Little Cayman and ourselves. I would have been upset too, if that had been true.

The other untruth that was prevalent was that we needed the two Official Members on Finance Committee in order to be able to raise taxes, those ridiculous taxes that I mentioned earlier. They told them that we could not get through with that if we did not get the two Official Members of Executive Council on Finance Committee.

That is what the people in Cayman Brac told us that they had been told, and how much ridiculous can one get? Finance Committee deals with expenditure, not raising or lowering of taxes. Taxes are imposed or lowered in this Legislative Assembly as a whole as at presently constituted.

I also ran into an old friend of mine who was born in West Bay but moved to Cayman Brac many years ago. When I came out of the meeting, he greeted me, asked me how I was doing and inquired about my parents health. I responded, and then he said, 'I am so glad that you said what you did about the behaviour of the people from West Bay, because as you know, that is where I am from'. I assured him I knew he was well behaved and it was especially because of the many people in Cayman Brac whom I know either originate or have roots in West Bay why I made the statement about the behaviour that I did.

For the record, the gentlemen of whom I just spoke, was Mr. Clarence Ebanks or Caca as he will be remembered in West Bay by those of my age or older.

Now, I wish to deal in some more detail with the more ridiculous charges of the seven Members on that side who worked under the self-imposed principle of collective irresponsibility.

The Third Elected Member for George Town has, on their behalf, attempted to frighten the Caymanian public into believing that if this Motion goes through it will result in uncontrolled, injudicious and excessive spending of the public's money. He said that we would get in the position of Guyana, Jamaica, Trinidad and Tobago, Grenada and all those, to have to seek help from the International Monetary Fund or the World Bank and that we would, as a result, have to ask those agencies to run our affairs.

Now, I wish to make our position as regards to IMF and World Bank and other such international agencies abundantly clear. Because the First Elected Member for Bodden Town and others among the seven are also prone to dragging that red herring out and shaking it whenever they think they can get some mileage or unpleasant scent from it.

We, the Cayman Islands, cannot belong to nor deal with those agencies in our own right. Our only access to those agencies is through the United Kingdom. And, my fellow Caymanians, you can rest assured that the United Kingdom will not allow us to over-borrow or to over-extend ourselves in any way. That will remain the position as long as we remain a crown colony.

I am wondering if this continuous harping on these international lending agencies is coming shadows cast or coming events casting their shadows before them, if some people in

this country have their way?

Not the four of us, we are committed to retaining our crown colony status. We do not borrow any money from the World Bank or the International Monetary Fund or the Inter-American Bank for redevelopment for development and reconstruction. We cannot, we are not members and therefore are precluded from borrowing. We are not allowed to deal with them as long as we are a crown colony. Our chief source of funding is from Caribbean Development Bank.

Now, it might be possible that the World Bank might put some funds in Caribbean Development Bank which could be on loan to us, but we are not dealing with the World Bank, we are dealing with Caribbean Development Bank as a full Member and under the terms and conditions which we agreed to enter that membership under.

Even the European Development Bank and the European Development Fund will not assist us unless the instrument of agreement for the loan or the grant that is the gift is signed on our behalf by the United Kingdom. We cannot even sign those instruments on our own behalf.

You know, we cannot even benefit from regional projects financed and funded by the Organization of American States because we are not allowed as a colony of Britain to become members.

When I say that, I want to make it clear that that is not a condition imposed by Great Britain, for us to remain a colony, but it is a condition of the Charter of the Organization of American States that their members must be independent countries. And we have elected to remain a colony of the United Kingdom and therefore, we are precluded by the Charter of the organization of American States from benefiting even in regional projects funded by them.

It is only within the last year that we have even been put on the mailing list of that organization, that is we have publications of interest and information on matters that might be of assistance to us sent to us by that organization. That, is as a result of a face to face meeting between the Member for Health, myself and the Regional Representative of the Organization of American States in Barbados last year. He happened to have been attending a meeting that we were attending, funded by Canadian International Development Aid to do with the environment and he expressed his regret that they were unable to do work in Cayman as much as they would like to because of our forward looking attitude in Cayman. 'But', he said, 'I will at least see that you get the publications' and I have been getting them faithfully.

MR. PRESIDENT: Would it be convenient to take the afternoon tea break there?

HON. BENSON O. EBANKS: Yes, Sir.

MR. PRESIDENT: Proceedings are suspended for 15 minutes.

AT 3:20 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 4:05 P.M.

MR. PRESIDENT: Proceedings are resumed. The honourable MEmber for Education continuing.

HON. BENSON O. EBANKS: Mr. President, when we took the break, I was dealing with the relationship of Cayman as a colony or the Cayman Islands as a colony with the Organization of American States and such other international organizations and agencies. I was making the point that they would like to do projects in Cayman at their expense because of our very much more enlightened approach to matters like the environment and the ecology. But they are not permitted, they are prohibited by their respective Charters to help us, or to work even in our area.

Honourable Members and the public should also be reminded that we cannot even spend monies which the United Kingdom Government through His Excellency the Governor does not approve.

Section 37 (2) of our Constitution provides that:

"Except on the recommendation of the Governor the Assembly shall not -

- (a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person presiding in the Assembly, makes provision for imposing or increasing any tax, for imposing or increasing any charge on the revenues or other funds of the Islands or for altering any such charge otherwise than by reducing it or for compounding or remitting any debt due to the Islands;
- (b) shall not proceed upon any motion (including any amendment to a motion)",

that is, the Assembly shall not proceed upon any Motion, including any amendment to a Motion,

"the effect of which, in the opinion of the person presiding in the Assembly, is that provision would be made for any of the purposes aforesaid;

that is for imposing or increasing any tax, for imposing or increasing any charge on the revenues or other funds of the Islands or for altering any such charge otherwise than by reducing it or for compounding or remitting any debt due to the Islands.

- (c) receive any petition which, in the opinion of the person presiding in the Assembly, requests that provision be made for any of the purposes aforesaid,".

that is makes provision for imposing or increasing any tax, for imposing or increasing any charge on the revenues or other funds of the Islands or for altering any such charge otherwise than by reducing it or for compounding or remitting any debt due to the Islands.

When this section of our Constitution is read and of course understood, in conjunction with Standing Order 65 of our Standing Orders which deals with amendments in Finance Committee on the Appropriation Bills, that is the Bill authorising the expenditure of money and which Standing Order reads:

"(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 the 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;"

It will clearly be seen that His Excellency the Governor is in total and complete control of the finances of this country. Of course, let me hasten to add, that His Excellency the Governor must seek and has sought and up to now has accepted the advice of Executive Council on these matters so that it is the Governor in Council which in fact controls finances in this country.

But in the final analysis His Excellency the Governor after advising the Secretary of State that he does not accept the advice of Executive Council, can elect not to accept the advice of his Executive Council and therefore kill any bill, motion or petition which might seek or seeks to expend any of the country's money.

So, let there be no mistake about two things, Mr. President. One, if the Executive Council or any Member thereof including the Financial Secretary (and I will deal at greater length with this later), gets any grandiose ideas about squandering the funds of this country, the Governor has the ultimate say, and through him, the British Government.

So let us get that straight. That is one of the guarantees which our Constitution gives us.

And two, that no ordinary Member of the Backbench has even the right to convey to this House or the Finance Committee, that His Excellency the Governor approves of a particular or general expenditure.

I am not saying this, in any derogatory or condescending way, but, it is a constitutional fact and a fact of life in these Islands. This shall remain the case just as long as these Islands remain a crown colony. So, I am surprised when the Member for East End this morning said that there are investors watching to see whether this Motion goes through, because if it does, they are going to take their investments elsewhere.

I would say that the converse is true. Those people who have the good sense to select the Cayman Islands as a place to invest and do business know what our Constitution says. I would think that any effort to reduce the guarantee which our being a crown colony bestows on this country would be frowned upon, not if we are attempting to strengthen and use and to make abundantly clear what our connection with the United Kingdom guarantees.

So when the seven Backbenchers acting with collective irresponsibility, talk about having the right to increase Heads or Sub-heads in Finance Committee and to propose expenditure to Finance Committee they are suffering from illusions and delusions of power which they do not have and herein lies the crux of this whole matter. They have been attempting to usurp authority which the Constitution and the Standing Orders do not bestow upon them.

We cannot, as responsible Members of Executive Council, sit down and see our Constitution, which, the people of this country accepted without reservation, trampled upon and ignored by power-hungry-self-serving politicians.

When the First Elected Member for Bodden Town and the Member for East End speaking for the seven Backbenchers, and speaking under their self imposed rule of collective irresponsibility, talk about what Mr. Tip O'Neil had to say about all politics being local and that once the needs of individual constituents are attended to then the country's business is taken care of, is taken completely out of context and hence misunderstood.

We have no problem with all elected Members attempting to look after their individual constituencies or even individual constituents, but it must be done in the correct way.

Whether they like it or not (and we know they do not like it, they have demonstrated this repeatedly), they have to come to the elected Members of Executive Council directly, and we are always willing to see them. Our doors are always open to them, even to leave when they get fed up with us.

Or they can go to the Head of respective departments concerned or through our Principle Secretaries or the Assistant Secretaries and make their wants and wishes including complaints, known.

I must point out that even we, as Elected Members of Executive Council do nothing, or at least very little if anything without first discussing it with the respective Head of Department or our Principal Secretary. This is the only way a Government can function properly. It is the only way any business can function properly for that matter. There must be a Head and officers down the line with diminishing levels of responsibilities, but there must be a Board of Directors to control and direct the management of the Government or company as the case may be.

Even when Elected Members of Executive Council are dealing with matters which cross into the border of another Portfolio, we consult the Member, his Principle Secretary as the case may be or the Head of the Department concerned and get their agreement and cooperation for the project which is being initiated in one or other of the Portfolios. The one that initiates it is responsible for obtaining the cooperation of the others that are involved.

For example, if I wanted to have a school built in West Bay I do not have the prerogative of going to Public Works and say, 'I want a school built, let's see the plans', and then go out and build it. It must go through Planning and all the other agencies through Finance Portfolio and ultimately to the Finance Committee.

I do not get up and say I could build a school and then turn around and do it, committing Government to expenditure that I have no right to do on my own. It is up to me to sell my idea to the other departments.

Mr. President, this brings me to what I consider my bomb shell for the day.

I do not know why this should be a bomb shell, because this information that I am about to give is available to all Members of this honourable House, if they had enquired. It is available to the press, if they had researched it. That is why I took umbrage at the shallow unsubstantiated and unresearched approach of our media and responsible organizations.

Surely, the Chamber of Commerce likes to boast that it has affiliations with other Chambers of Commerce around the world and the Caribbean. If they were concerned, that this Government was going to do something that was not in keeping with tradition within the area one would have thought that the responsible thing for them to do was to have contacted their counter-parts in colonies like ourselves, to find out what the position was there.

But, as I said, I am satisfied that most of that representation that has been paraded before the public's eyes under the guise of organisations of respectability has only been done by self-serving people within those organisations, a few of the people now, to give their own personal prejudices and political aspirations a cloak of respectability which it would not otherwise have had.

We were challenged to tell this House of any Caribbean Islands which have Official Members on their Finance or its Finance Committee. And for the benefit of the uninformed Backbenchers who have bound themselves by the rule of 'collective irresponsibility; and who have through-out the debate on this Motion mislead the public, I will give them the information.

The first territory is Anguilla. In Anguilla there are two Official Members in the Legislative Assembly, the Honourable Attorney General and the Honourable Financial Secretary. The Finance Committee is comprised of the full membership of the Legislative Assembly.

Number two, is Montserrat. In Montserrat there are two Official Members in the Legislative Assembly, the Honourable Attorney General and the Honourable Financial Secretary. The Finance Committee is comprised of the full membership of the Assembly including the Official Members.

Same with Anguilla, the full House comprising the Official Members, the Attorney General and the Financial Secretary.

Number three, is in the British Virgin Islands, the Attorney General is the one Official Member of Exco and the Legislature. The Finance Committee is the whole Assembly including the Attorney General as a full Member of that Finance Committee.

Number four, is Turks and Caicos Islands, three Official Members of Exco and Legislature, the Chief Secretary, the Attorney General and the Financial Secretary. They sit as full Members in the Assembly, the Finance Committee is the Whole House including the three Official Members as full Members.

Now Monday is a public holiday in Cayman and I would suggest that the seven Backbenchers; who are bound by 'collective irresponsibility', get on their telephones and telefaxes and get the information to prove me wrong.

I think when they receive the confirmation they should be men enough (although I have rumors to the contrary), to eat humble pie and call a public meeting in George Town on Monday night and admit that their ignorance of these things have brought whatever unrest exists in these Islands.

I feel too, that the Caymanian Compass owes this country something. They too should get busy, get the facts and print the truth about the Constitutions and Finance Committees of those territories, and I would also invite them to go even further and investigate the development of Constitutions such as ours and tell the country the truth, the whole truth and nothing but the truth, supported by the facts. Those four territories which I mentioned have a more advanced Constitution than ours. They have a ministerial system of Government with a Chief Minister, yet the Official Members are in the Legislature and on the Finance Committee.

Now, for the love of me, those are the four remaining dependent territories in the Caribbean except the Cayman Islands and that is what their Constitution provides. As I said, their Constitution is more advanced in that they have a Chief Minister and a ministerial system of Government. The Chief

Minister appoints his other Members, his other ministers, from among the elected Members but yet they have the Official Members on Finance Committee.

about the simple fact that there have been a few misguided politicians who believed that they possessed power which they do not constitutionally have. This Motion seeks to strengthen Government's position and to regularise and to bring us into line with what is going on in those other countries where they have a constitution more advanced than ours.

So I am wondering what will be the reaction of Mr. Douglas Hurd, if and when this petition that these uninformed people have caused our country people, our countrymen to sign? I wonder what his reaction will be if and when that ever reaches him?

My God, it must be one of surprise that we could have seven people who invite the Government to resign or walk across the floor so that they can take over the reigns, of Government so ignorant of what the Constitutional provisions are in the other territories. And I am not finished with this yet. I am only beginning.

MR. PRESIDENT: I was not indicating you should stop, I was indicating it is about 4:30 P.M.

HON. BENSON O. EBANKS: Yes, Sir, I can stop here and pick up on Tuesday morning, Sir.

MR. W. McKEEVA BUSH: Mr. President, I am going to move at the appropriate time that under Standing Order 83, that Standing Orders 10 (2) be suspended so that we can finish this matter tonight. Yes, I am going to move it, I mean we might not get a vote.

HON. BENSON O. EBANKS: Now, I happen to be on my feet, and I do not intend to speak any longer. So I would like to know how the Member intends to carry on?

MR. PRESIDENT: The Clerk was telling me that Hansard reporters cannot go beyond 6:00, but that is not the issue. The point is that this is the normal finishing time and if the First Elected Member for West Bay wishes to move in according to what he has just said, it is now the moment to do so.

SUSPENSION OF STANDING ORDER 10(2)

MR. W. McKEEVA BUSH: Yes, I want to move under Standing Order 83, that we suspend Standing Order 10 (2) so that we can finish this matter tonight.

MR. PRESIDENT: It requires a seconder.

MR. G. HAIG BODDEN: I second that.

MR. PRESIDENT: Motion is duly Moved and seconded. Does the Mover wish to speak to it?

MR. W. McKEEVA BUSH: We have been debating now for three weeks, a matter which I have said, should not have come before us anyway. And since there is so much being thrown here and there and everywhere and everybody is confused as the Member moving the Motion has said, let us finish this matter and get on to other matters. I have moved that we finish tonight, I am not going to withdraw, therefore, that is my stand.

MR. PRESIDENT: The Honourable Member for Education on this Motion.

HON. BENSON O. EBANKS: Yes, Mr. President. Mr. President, I do not know where the Member moving the Motion got the impression that I said that we were all confused? We are certainly not confused over here. We know exactly what has happened. I have issued a challenge to the Members. They challenged us to produce the evidence, that this type of Finance Committee existed in any of the other Caribbean Islands. We have done this. I think they said also, in any other part of the Commonwealth. The authorities are numberless but I thought that the four Caribbean territories were enough to mention since they were relative and more appropriate to us.

Now, I have issued a challenge to them to do some research over the week-end, prove me wrong and have a meeting Monday night and tell the public they are wrong. It seems to me that that is a reasonable challenge, since they challenged us to produce the evidence, we have produced it.

Futhermore, I have organised my time-table in my office, according to the hours set down for debate in this House and I would find it Now this challengeinconvenient to carry on this evening and I also know that the First Elected Member for Cayman Brac would like to leave at this, the appointed time, and I do not see why we should deprive him of that opportunity nor deprive me of the opportunity of keeping appointments which I have made.

Thank you very much.

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

CAPT. MABRY S. KIRKCONNELL: Mr. President, I would like to oppose the suspension of Standing Orders. My life has been threatened on numerous occasions, since this debate has started unnecessarily and I do not feel it is in the interest of the safety of my life to leave here after dark, therefore I would like that the House adjourn at the prescribed time of 4:30.

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

MR. TRUMAN M. BODDEN: Mr. President, many a time in the days when back a year, 15 months ago, when I had just come into the House, I spent many a late evening in here even devoid of a voice much less worried about appointments when the Government decided they would go on. I would just like to say it is nothing unusual.

MR. PRESIDENT: First Elected Member for Bodden Town.

MR. ROY BODDEN: Mr. President, this Motion has not only tried the endurance and the patience of the Members of this Honourable House, but it is getting to the public. The Mover is now winding up I see no reason why Honourable Members of this House should delay that winding up. I believe it is expedient that we conclude this matter this evening. I think we should.
Thank you, Sir.

MR. PRESIDENT: On a point of information for Members, the Member speaking has two hours and twenty minutes left under the four hour rule.
Would any other Member wish to speak on the Motion to suspend Standing Orders? Would the Mover wish to reply to the short debate we have had?

MR. W. McKEEVA BUSH: Mr. President, I believe that we should go on. The case is that even if the Member has two hours we can take that. The country's business comes first, rather than any cocktail party or drinking session that they might have planned.

Now this challenge that this Member for West Bay and the Member for Education, I do not plan to get into it, it has no relevance to the matter at hand. I would challenge him to tell the truth. The Member could have finished today if he had not took the time of this House maligning people, telling untruths and trying to make people's character look like they were the worst people in the world.

All of our lives have been threatened as I understand it. I walk as a free person in this country. I am sorry to hear that that Member is scared and I would ask on his behalf that if he is that afraid then that we get a police escort to escort him home. But I feel that this matter is important that we get a vote on this tonight. We have stayed here before, and I think we should finish the matter tonight; Mr. President, any Member can leave, nobody is saying that they are tied down to their seats. If a Member has to leave, fine.

MR. PRESIDENT: I shall put the question on the Motion to suspend the Standing Orders as stated. Would those in favour please say aye, those against no. Would you take a division, please Clerk?

QUESTION PUT: AYES AND NOES

**DIVISION
NO. 17/90**

AYES: 7

Mr. McKeeva Bush
Mr. John D. Jefferson, Jr.
Mr. Truman M. Bodden
Mr. Gilbert A. McLean
Mr. Roy Bodden
Mr. G. Haig Bodden
Mr. John B. McLean

NOES: 8

Hon Thomas C. Jefferson
Hon Richard Ground
Hon Lemuel Hurlston
Hon Norman Bodden
Hon Benson Ebanks
Hon Ezzard Miller
Hon Linford Pierson
Capt. Mabry S. Kirkconnell

MOTION TO SUSPEND STANDING ORDER 10(2) NEGATIVED BY MAJORITY.

MR. PRESIDENT: The Motion does not pass therefore.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of this House until 10:00 on Tuesday morning.

MR. PRESIDENT: The question is that the House do stand adjourned until 10 o'clock next Tuesday morning, would those in favour please say aye, those against no.

I think the ayes have it.

MR. W. McKEEVA BUSH:

Can we have a division, Mr. President.

MR. PRESIDENT:

Clerk?

**DIVISION
NO. 18/90**

NOES: 7

Mr. McKeeva Bush
Mr. John D. Jefferson, Jr.
Mr. Truman M. Bodden
Mr. Gilbert A. McLean
Mr. Roy Bodden
Mr. G. Haig Bodden
Mr. John B. McLean

AYES: 8

Hon Thomas C. Jefferson
Hon Richard Ground
Hon Lemuel Hurlston
Hon Norman Bodden
Hon Benson Ebanks
Hon Ezzard Miller
Hon Linford Pierson
Capt. Mabry S. Kirkconnell

AGREED BY MAJORITY:

**AT 4:43 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,
TUESDAY, 3RD JULY, 1990.**