

**WEDNESDAY,
19TH JUNE, 1991
10:06 A.M.**

MADAM SPEAKER:

Prayers by the Honourable First Official Member.

PRAYERS

HON. THOMAS C. JEFFERSON:

Let us Pray.

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

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

Bless our Sovereign Lady Queen Elizabeth II, 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 Speaker of the Legislative Assembly, 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.

Let us say the Lord's prayer together: Our Father who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done 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.

MADAM SPEAKER:

The Legislative Assembly is in session. Presentation of Papers and Reports - Report of the Constitutional Commissioners 1991 - The Honourable First Official Member.

PRESENTATION OF PAPERS AND OF REPORTS

THE CAYMAN ISLANDS REPORT OF THE CONSTITUTIONAL COMMISSIONERS 1991

HON. THOMAS C. JEFFERSON:

Madam Speaker, I beg to lay on the table of this Honourable House the Cayman Islands Report of the Constitutional Commissioners 1991.

MADAM SPEAKER:

So ordered. The Agricultural and Industrial Development Board Report - The Honourable First Official Member.

**THE AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD REPORT FOR THE YEAR ENDED
31ST DECEMBER, 1990**

HON. THOMAS C. JEFFERSON:

Madam Speaker, I beg to lay on the Table of this Honourable House the Agricultural and Industrial Development Board Report for the year ended 31st December, 1990.

MADAM SPEAKER:

So ordered. Guide to the Selection and use of Consultants - The Honourable First Official Member.

GUIDE TO THE SELECTION AND USE OF CONSULTANTS

HON. THOMAS C. JEFFERSON:

Madam Speaker, I beg to lay on the Table of this Honourable House a report entitled a Guide to the Selection and use of Consultants which was promised quite some time ago by the Financial Secretary.

MADAM SPEAKER:

So ordered.
Questions to Honourable Members.

QUESTIONS TO HONOURABLE MEMBERS

SUSPENSION OF STANDING ORDER 23(6)

HON. THOMAS C. JEFFERSON:

Madam Speaker, in accordance with Standing Order 83 I move the suspension of Standing Order 23 (6) to allow four questions in the name of the same Member to be placed on any Order Paper for the duration of this meeting.

MADAM SPEAKER:
against No.

I shall put the question. Those in favour please say Aye...Those

AYES.

MADAM SPEAKER:

The Ayes have it.

AGREED. THAT STANDING ORDER 23(6) BE SUSPENDED TO ENABLE QUESTIONS IN THE NAME OF THE SAME MEMBER TO BE PLACED ON THE ORDER PAPER DURING THIS MEETING.

MADAM SPEAKER:

Question No. 75, the First Elected Member for Bodden Town.

MR. ROY BODDEN:

Thank you, Madam Speaker.

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

NO. 75: Would the Honourable Member state the cost of converting the 'special facility' (holding cells) in the execution block to accommodate male prisoners?

ANSWER: The cells in the special facility were originally designed to accommodate prisoners for indefinite periods. Consequently, other than furniture, little conversion work to the cell units and officer control stations was required.

SUPPLEMENTARIES

MADAM SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

cost and who carried out this conversion work?

Would the Honourable Member say how much the conversion

HON. J. LEMUEL HURLSTON:

Madam Speaker, the conversion consisted of very minor re-inspection and minor modifications to electrical, plumbing and services. There was nothing structurally required to be altered and those inspections and minor modifications were carried out by the Public Works Department as part of the projects costs.

MADAM SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

Are the cells presently occupied by male prisoners?

HON. J. LEMUEL HURLSTON:

No, Madam Speaker, not yet.

MADAM SPEAKER:

Supplementary, the First Elected Member for Bodden Town.

MR. ROY BODDEN:

Can the Member state when these cells would be occupied?

HON. J. LEMUEL HURLSTON:

Madam Speaker, as soon as possible. Which means as soon as furniture and staff are in place to make it operational.

MADAM SPEAKER:

Cayman.

The Second Elected Member for Cayman Brac and Little

MR. GILBERT A. McLEAN:

will be placed into these particular cells?

Would the Member say what will be the cost of the furniture that

HON. J. LEMUEL HURLSTON:

The cost will be the same as the cost of the furnishing any other cell within the facility. I do not have the estimate but it will be the same basic furnishings, a mattress, a bed, and a table. That will be the basic furniture that is provided in all cells throughout the facility.

MADAM SPEAKER:

The Second Elected Member Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN:

would tell the House the cost for these toilets, beds and tables.

What I was attempting to find out was if the Member knew and

HON. J. LEMUEL HURLSTON:

not know the cost of furnishing a cell.

If I had the information, I would readily offer it to the House. I do

- MADAM SPEAKER:** Question No. 76, the First Elected Member for Bodden Town.
- MR. ROY BODDEN:** With your permission, before I ask Question No. 76, pertaining to Question No. 75, I wonder if the Honourable Member would give an undertaking to the House that he would provide that information, requested by my colleague?
- HON. J. LEMUEL HURLSTON:** If that is the wish of the House, it will be done.
- MADAM SPEAKER:** Thank you, Honourable Member.

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

- NO. 76:** Would the Honourable Member say how is the recruitment for prison officers done so as to ensure that suitably qualified Caymanian applicants are considered?
- ANSWER:** Vacancies are invariably advertised through the national press. The numbers of Caymanians offering as candidates has always been, and remains, disappointingly low.
- The latest recruitment in January 1991 produced only four applicants of Caymanian status who were invited to attend for interview and testing. Three failed to respond to the invitation. The fourth applicant was recruited.

SUPPLEMENTARIES

- MADAM SPEAKER:** The Second Elected Member for Bodden Town.
- MR. G. HAIG BODDEN:** I would like to ask the Member if they readily accept transfers from other Departments or services, such as the Police or the Fire Department?
- HON. J. LEMUEL HURLSTON:** Yes, there is a procedure in place for applicants to apply for transfers, and those are considered along with other applications.
- MADAM SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** I wonder if the Honourable Member would care to answer how the recruitment is handled, whether by a Board or whether by a single officer?
- HON. J. LEMUEL HURLSTON:** The applications are short-listed by the Head of the Department. An interview panel is established consisting of representation from the Department, as well as representation from the Public Service Commission. With the amendment to the Public Service Commission Regulations recently, the decision regarding the employment of staff within the prison service is made wholly and solely by the Prison Director. Once the interview panel has made its recommendations the final decisions are made by the Prison Director, in his discretion.
- MADAM SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** I wonder if the Honourable Member would care to explain how the recruits seems to be inordinately skewed in favour of certain nationalities?
- HON. J. LEMUEL HURLSTON:** In order to answer that question, I wonder if the Member would wish to elaborate? I cannot answer on the basis of the question.
- MR. ROY BODDEN:** Well, information available to me suggests that the recruits for the large part are Jamaican nationals, with a smattering of others.
- HON. J. LEMUEL HURLSTON:** Madam Speaker, that perception is from the fact that the greater number of applications to begin with tend to emanate from places like Jamaica; but the final decision regarding employment is not skewed in any direction of any single nationality.
- MADAM SPEAKER:** The First Elected Member For Bodden Town.
- MR. ROY BODDEN:** I wonder if the Honourable Member can state what reason or reasons why Caymanian applicants or qualified Caymanians seem not interested in the Prison Service?
- HON. J. LEMUEL HURLSTON:** That is a very hypothetical question. I would have to offer an opinion in giving an answer to that and I would prefer not to offer my opinion.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Let me phrase it this way. It seems that the Fire Service is successful in recruiting Caymanians, why is the Prison Service not successful?

HON. J. LEMUEL HURLSTON: Madam Speaker, I do not think that there is any single reason why one branch of the Public Service is able to attract more Caymanians than another. There could be a number of contributing factors. The number of Caymanians applying to enter the prison service is very few by comparison and one can imagine that if one had a choice in joining a discipline service, joining a security-type service then one would have to make a personal career choice. If one chooses a Fire Service over a Prison Service, it could be that one is more attractive as a vocation or occupation than the other. I do not know if there is any other explanation for it.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member can say if any attempt has made to ascertain why the recruitment of Caymanian prison officers is not as successful as it could be?

HON. J. LEMUEL HURLSTON: Every effort is made to attract as many Caymanians as will apply. The reasons why Caymanians may not be applying is a matter that is very difficult to determine. The Department advertises aggressively, as all other agencies in the public sector do, and any qualified Caymanian is encouraged to apply.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member say if any attempt was made as recently as the latest recruitment in January to discover why after four persons answered the advertisement only three turned up for interview and testing?

HON. J. LEMUEL HURLSTON: Madam Speaker, I believe that three did not attend for interview and testing. The remaining one who did attend was employed. The reason for the nonattendance of the three is not known to the best of my knowledge.

MADAM SPEAKER: I wonder if other supplementaries could steer clear of the reason why Caymanians are not applying for the post. Could we get on to another supplementary regarding the original question, please?

MR. GILBERT A. McLEAN: Madam Speaker, the answer that I was attempting to elicit was whether the Prison Authorities attempted to find out why these persons did not attend, because therein might be the reason for the difficult task of recruiting Caymanians. Was any attempt made by the Prison Authorities to find out why they did not attend, through telephone contact or otherwise?

HON. J. LEMUEL HURLSTON: Madam Speaker, as I said, I do not have knowledge of that, but I will undertake to inquire of the Department whether such an inquiry was made and, if so, what the result was.

MADAM SPEAKER: I think Honourable Members can be satisfied that the Third Official Member will do his best to look into the matter. The next Question No. 77, the First Elected Member for Bodden Town.

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

NO. 77: Would the Honourable Member say what are the regulations regarding the use of the bungalows at Northward Prison by the prison staff?

ANSWER: The two duplex bungalows are reserved for the occupancy of uniformed staff at the discretion of the Prison Director.

The schedule of conditions of occupancy are:

- (1) All rooms, bathrooms, kitchen and service areas will be maintained in a clean and hygienic state.
- (2) No furniture or fittings other than as provided by the Prison Department are permitted.
- (3) The washing machine must be used with care and cleaned after use.
- (4) No guests will be permitted to remain in the quarters or any prison property after 23:00 hours.
- (5) Any breakage, deficiency or defect in fittings or appliances must be reported immediately to

- the Principal Officer (Technical Services).
- (6) According to the needs of occupancy, it may occasionally be necessary to institute double occupancy. This may be by mutual agreement, or otherwise the last person in residence will be required to double up.
- (7) Residence in Prison Department quarters is conditional upon strict compliance with these orders.

SUPPLEMENTARIES

- MADAM SPEAKER:** The First Elected Member for Bodden Town, supplementary.
- MR. ROY BODDEN:** I wonder if the Honourable Member is a position to say whether bungalows which are not permanently occupied by prison officers exist?
- HON. J. LEMUEL HURLSTON:** Madam Speaker, to the best of my knowledge all of the bungalows are currently fully occupied.
- MADAM SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** I would like to ask the Honourable Member if the occupation of these bungalows carries any special rights and privileges for the officers, vis a vis the ordinary ranks?
- HON. J. LEMUEL HURLSTON:** Madam Speaker, there are no special or extraordinary privileges associated with bungalow accommodation. Officers receive free barracks accommodation, or in the alternative a housing allowance. So those officers who receive the housing allowance find their own accommodations, those who do not receive the housing allowance receive free barracks accommodation.
- MADAM SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** When the Honourable Members mentioned that no guests should remain in these bungalows past 23:00 hours, does that include conjugal visits?
- HON. J. LEMUEL HURLSTON:** No, Madam Speaker. Married officers, are occasionally permitted to live in these residences with spouses. Single officers will, of course, be required, if they have guests, their guests will be required to vacate by that hour of the evening.
- MADAM SPEAKER:** If there are no further supplementaries, we shall proceed to Question No. 78, standing in the name of the First elected Member for Bodden Town.

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

NO. 78: Would the Honourable Member say -

- (a) how much money was spent on maintenance services at Northward Prison during the years 1989, 1990 and to the present;
- (b) what did the major maintenance jobs entail; and
- (c) how is the maintenance system structured?

ANSWER:

(a)	1989-	CI\$128,548.23
	1990-	CI\$ 79,467.72
	1991 to date-	CI\$ 28,949.52.

- (b) In addition to a heavy daily maintenance commitment, major upgrading and maintenance jobs have entailed:
- (i) replacement of underground water pipe delivery system to all units;
- (ii) upgrading of plumbing fixtures throughout the prison;
- (iii) upgrading security structure and installation of cell recall system in maximum secure unit;
- (iv) replacement of worn out pumps in water delivery system;
- (v) construction of deep wells to improve effluent drainage.
- (vi) repainting (external and internal) of all prison buildings;
- (vii) reconversion of bungalow to duplex to enable maximum staff occupancy;
- (viii) major repairs to most kitchen equipment, stoves, ovens, steam tables, heat extractor fans, etcetera;
- (ix) upgrading of classrooms;

- (x) construction of new septic tank and commencement of upgrading of Director's bungalow.

The maintenance function is shared between the Public Works Department and the Prison; Public Works Department being responsible for most major works and providing a consultation service. A Public Works Department team is scheduled to visit periodically to assess needs and to advise.

The Prison Department using prisoner skills and labour carry out day-to-day maintenance in all areas to ensure operational efficiency and the maintenance of high standards of security and general hygiene. The task is the responsibility of a Rank Principal Officer (Technical Services) assisted by two maintenance men.

SUPPLEMENTARIES

- MADAM SPEAKER:** Supplementary, the First Elected Member for Bodden Town.
- MR. ROY BODDEN:** I wonder if the Honourable Member could say how is the purchase of materials used in maintenance authorised?
- HON. J. LEMUEL HURLSTON:** Madam Speaker, it would be authorised by the Principal Officer for Technical Services.
- MADAM SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** I wonder if the Honourable Member would care to say what checks and balances are in place to ascertain that materials purchased are necessary for the job and that there is no wastage?
- HON. J. LEMUEL HURLSTON:** Madam speaker, that is the responsibility of all senior officers within the Department. I mentioned one specific officer who has been tasked with day-to-day responsibility for this area of maintenance and that is the Principal Officer for Technical Services. But clearly, the Director and all of his senior staff are responsible to ensure that waste and extravagance are avoided as provided for in the Financial Stores Regulations.
- MADAM SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** I would like to ask the Honourable Member to please check into the purchase of materials system and to ensure that the answer that he gave is exactly correct, as the information this Member has is contrary to that.
- Thank you.
- MADAM SPEAKER:** If there are no further supplementaries, we will proceed to Question No. 79, standing in the name of the Second Elected Member for Bodden Town.

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

- NO. 79:** Will the Honourable Member outline the action taken following the approval by the Legislative Assembly on the 5th September, 1990, of Private Member's Motion 19/90 which requested consideration of improvements at the Bodden Town Civic Centre, including the adjacent playfield?
- ANSWER:** Private Member's Motion No. 19/90 requested "That Government examine the possibility of air-conditioning the Bodden Town Civic Centre and constructing a playfield on the adjacent property." In the initial stages of Budget preparation for 1991, an estimated sum of \$50,000 towards the project was to form part of the Budget submission from the Portfolio of Education, Environment, Recreation and Culture. However, further development of this project was halted due to cutbacks in budgetary allocations. The Public Works Department will be finalising drawings and a cost estimate as a 1992 Budget proposal.

SUPPLEMENTARIES

- MADAM SPEAKER:** Supplementary, the Second Elected Member for Bodden Town.
- MR. G. HAIG BODDEN:** Madam Speaker, the question was, is the Member aware that ever since 1985 attempts have been made to get Government to take some action on completing this playfield at the Bodden Town Civic Centre?

HON. LINFORD A. PIERSON: The simple answer to that, Madam Speaker, is no; but I would say that I base my answer on the substantive question.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Regarding the improvements at the Bodden Town Civic Centre, I wonder if the Honourable Member is aware that a substantial improvement would be the installation of some air-conditioning units? Is the Member in a position to say if the Government can afford this installation in the near future?

HON. LINFORD A. PIERSON: As stated in the substantive answer, Private Member's Motion No. 19/90 asks for Government to examine the possibility of the air-conditioning and construction of the playfield. This was done, and in 1991 an attempt was made to provide \$50,000 toward this project, but due to budgetary constraints this was not possible. But, an attempt will be made to include this in the 1992 Budget.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, when the Member says 'include this', can he tell us exactly what he means to include?

HON. LINFORD A. PIERSON: Madam Speaker, I am answering the question from the Honourable Member, so I thought he would know what the text of the question is all about. I was referring to the air-conditioning and the completion of the adjacent playfield.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member is in any position to state specifically how much the air-conditioning of the Civic Centre would cost?

HON. LINFORD A. PIERSON: Yes, Madam Speaker. The approximate cost of air-conditioning of the Bodden Town Civic Centre is C\$40,000. However, I would hasten to add that this is a very approximate cost and the Public Works Department has been instructed to prepare more details on this.

MADAM SPEAKER: If there are no further supplementaries, we will deal with Question No. 80, standing in the name of the Second Elected Member for Bodden Town.

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

NO. 80: Will the Honourable Member state when work will commence on a boat ramp on the site selected in Bodden Town?

ANSWER: As soon as the site has been purchased by Government. It is, however, difficult to say whether this will be during the course of this year as supplementary appropriations will be required. Another time constraint is whether it will be possible to purchase the property through private treaty or by route of compulsory acquisition.

SUPPLEMENTARIES

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member could state where the negotiations for the acquisition of the proposed launching ramp site in Bodden Town are at present?

HON. LINFORD A. PIERSON: Madam Speaker, as the Honourable Member is aware, we have had a number of problems trying to locate a suitable site for the boat ramp in Bodden Town, as we have kept in very close contact on this. But the Portfolio has directed the Lands Officer to make a tentative offer to the proprietor, subject to supplementary appropriations. The valuation provided by the Lands Officer is in the region of some US\$158,000.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I was trying to elicit whether any contact had been made with the owner of the property and what was the disposition of that owner towards the sale or purchase by the Government?

HON. LINFORD A. PIERSON: Madam Speaker, in my understanding that contact has in fact been made with the proprietor, who is a native of Ohio in the United States, and we are awaiting a reply.

MADAM SPEAKER: If there are no further supplementaries, we will move to Question No. 81, standing in the name of the Second Elected Member for Bodden Town.

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

NO. 81: Will the Honourable Member state what progress has been made in clearing the channels at Bodden Town?

ANSWER: As a matter of financial prudence, it was decided to link the clearing of the channel in Bodden Town with the selection of a suitable site for the construction of a ramp. Although several sites were investigated in Bodden Town, Government's efforts were unsuccessful until recently when a site was finally identified and agreed upon.

As a general policy, it is considered more cost effective to carry out all channel clearing in one operation once the final sites for ramps have been agreed upon, than to have to remobilise equipment and return at a later date.

SUPPLEMENTARIES

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, can the Member say when the decision to link the clearing of the channel with the selection of the site was taken?

HON. LINFORD A. PIERSON: This was a policy decision of the Portfolio and Government.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Madam Speaker, does this decision mean that there will be further considerable delays in dealing with the channels?

HON. LINFORD A. PIERSON: Madam Speaker, the reference to prudence in this was that Government, or the Portfolio, saw it as somewhat silly, really, to clear a channel when in fact no decision had been made on exactly where the ramp was going to be located. So we tried to link both together so that we would have the channel being cleared approximately at the same time that the ramp was located or built, pretty much in the same location.

For the information of the House I would like to mention that throughout the Cayman Islands progress has been made in securing properties for the ramps so that it should not be very long before we can undertake the clearing of the channels. I would like to mention that we are now finalising the process of the purchase of the properties in East End to \$8,000. Frank Sound has been just completed; I have already given the information on Bodden Town; we are finalising now the purchase of property in Newlands, which should be completed by July; and in South Sound we are finalising the purchase or acquisition of the property in that area.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Madam Speaker, does the Member realise that people's lives are being risked day in and day out by having to navigate channels that need clearing or proper markers?

HON. LINFORD A. PIERSON: Precisely, Madam Speaker. This is why the Portfolio is giving so much attention to this subject.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, will the Member say whether financial prudence, or safety, is the deciding factor in clearing a channel?

HON. LINFORD A. PIERSON: Madam Speaker, what I am really trying to point out to the Member is that we tried to locate a ramp as close to the channel as possible. This is where the financial prudence comes in. This is the point that I was trying to make. Because it would be a little silly to have a channel a mile away from where the ramp is.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member say whether he is making channels, or merely clearing channels that already physically exist; and whether he is making ramps, or whether he has natural

ramps there?

HON. LINFORD A. PIERSON: Madam Speaker, it may be necessary to do both, even though that may seem a little incomprehensible. But if it is financially prudent (and I use that word again) to clear an area where a ramp is being built, then that is the course that would be taken. Because it might be just as cheap, for want of a better word, to cut out a channel in a particular area as to try to clear out a channel that has grown over.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, would the Member not agree that there are only so many natural channels around the Islands, and with boats being launched in different parts of the Island negotiating the channels, that the clearing of channels is a problem in itself? Is it the case that the Portfolio has linked the channels and the ramps in a deliberate effort to delay work on them?

HON. LINFORD A. PIERSON: Madam Speaker, to answer that as simply as possible, that is not the case.

MADAM SPEAKER: May we proceed to Question No. 82, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 82: Would the Honourable Member inform this House of the procedures followed by the Royal Cayman Islands Police for securing valuables, inclusive of money and documents, taken from arrested persons?

ANSWER: The procedure includes a detailed listing of all property taken from the possession of suspects. That property is then sealed in purpose supplied plastic bags and initially stored in the Duty Inspector's office, under lock and key, at Central Police Station.

If the suspect remains detained, or it is necessary to retain all or some of the property, it is transferred to the Exhibits Store, the construction of which was recently completed. Every effort is made to ensure the safe custody of all property coming into the possession of police and it is a rare occurrence for any of the thousands of items processed each year to go astray. Should that happen, a detailed investigation takes place.

SUPPLEMENTARIES

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Can the Honourable Member state if this procedure is strictly followed to date?

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker. What I have just outlined is the normal and proper procedure followed.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member is in a position to say if in the recent past there were any incidents which dictated that this procedure may not have been strictly followed? Let me put the question another way. I wonder if the Honourable Member can say if in the recent past there were any valuables, which were held in police custody, missing?

HON. J. LEMUEL HURLSTON: Madam Speaker, I believe that Question No. 84, elicits such an answer. The answer is that allegations have been made and are currently under investigation.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: In that property taken from arrested persons is sealed and stored in the Duty Inspector's office under lock and key, when items are missing does the Inspector come under investigation?

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker, the Inspector and anybody else who needs to be investigated.

- MADAM SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** Are these valuables stored in a vault with a combination lock, or can the Honourable Member describe to us in what kind of facility are these valuables stored?
- HON. J. LEMUEL HURLSTON:** Madam Speaker, I am sorry, I cannot describe the actual facility because I have not seen it, nor have I been told what it is like.
- MADAM SPEAKER:** The Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** Could the Member say whether the suspect is given a receipt for these, and whether the suspect agrees on the list?
- HON. J. LEMUEL HURLSTON:** Certainly. The possessions are recorded in the presence of the suspect, sealed in the presence of the suspect, and if there is any dispute as to what the items are, the dispute should take place at the time of the recording of the item. To that extent the suspect must acknowledge the items that were recorded in his presence.
- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Madam Speaker, would the Member say if the listing of the property taken from an arrested person is done on a loose piece paper, or is there some sort of a log book in which this information is written?
- HON. J. LEMUEL HURLSTON:** That I am not sure of. There are two levels of record-keeping; one is in the Duty Inspector's office and the second is in the Exhibit Store, if any property is transferred there. I am not quite sure whether the Duty Inspector's record is a loose-leaf or a bound register. I am not sure.
- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Would the Member undertake to find out, and if it is listed on a loose-leaf of paper, would he ask the proper authorities to look at that case with a view to making something more lasting in the circumstances?
- MADAM SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** Would the Honourable Member also undertake to ascertain exactly what kind of facility is used for the storage of valuables?
- MADAM SPEAKER:** It is now 11:00 o'clock, which according to Standing Orders, concludes the Question Time.

11:00 A.M.

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

- HON. THOMAS C. JEFFERSON:** Madam Speaker, I believe that I may be right to rise and suggest under Standing Order 83 that we suspend Standing Order 23(7) and (8), to allow the other questions to be taken.
- MADAM SPEAKER:** This motion has been moved. Is that accepted? I shall put the question. Those in favour please say Aye...Those against No.
- AYES.**
- MADAM SPEAKER:** The Ayes have it.
- AGREED. STANDING ORDER 23(7) & (8) SUSPENDED.**
- MADAM SPEAKER:** We will continue with Question No. 83, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

- NO. 83:** Would the Honourable Member say who ordered the construction of the building directly in front of

the Cayman Brac Police Station and whether it meets the Planning setbacks from the main road?

**QUESTION NO. 83 DEFERRED
STANDING ORDER 23(5)**

HON. J. LEMUEL HURLSTON: Madam Speaker, in accordance with Standing Order 23(5), I beg to request a deferment of this question.

MR. GILBERT A. McLEAN: Madam Speaker, I am not so well up to date on my Standing Orders. What is the Member requesting there?

HON. J. LEMUEL HURLSTON: Madam Speaker, I am simply asking for more time to get the answer.

MADAM SPEAKER: All right. We shall go on to Question No. 84, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 84: Would the Honourable Member say what has been the result of the investigation by the Royal Cayman Islands Police into the loss of valuables belonging to Thomas Bilski which were in Police custody during the time he was in jail?

**QUESTION NO. 84 DEFERRED
STANDING ORDER 23(5)**

HON. J. LEMUEL HURLSTON: Madam Speaker, similarly I beg under Standing Order 23(5), to request a deferral of the answer to this question.

MADAM SPEAKER: All right. Question No. 85, the Second Elected Member for Cayman Brac and Little Cayman.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 85: Would the Honourable Member say which Department of Government is responsible for the construction of a Government building and which department has the responsibility for determining the use to which it will be assigned?

ANSWER: The Public Works Department normally undertakes or supervises the construction of Government buildings. The use to which buildings are to be put is usually determined by the user Department prior to construction. A change of use is normally agreed by consultation among the affected Departments.

SUPPLEMENTARIES

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, is the Member saying that all Departments of Government are responsible for the use to which buildings will be put or, is such responsibility assigned a particular Department?

HON. J. LEMUEL HURLSTON: Madam Speaker, each Department has a Controlling Officer, and it is the Controlling Officer's responsibility to account for the designated use of any facility which is built or allocated to that particular Controlling Officer. If there is to be a change of use, that change of use can only take place in consultation with the Controlling Officers affected.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, it used to be the case that the Personnel Department had responsibility in Government for the assigning of use of buildings. What is not clear to me is if a building is being built, that everyone, or every Department, or unit of Government that might possibly be in that building, does each one have his own responsibility for that, or is the organisation such that one person can be held responsible for seeing that the needs of the various Departments are met?

HON. J. LEMUEL HURLSTON: Madam Speaker, there are two types of buildings generally occupied by Government. One is office accommodations buildings and the other is staff housing accommodations. It is true that the Personnel Department historically had responsibility for assigning staff housing accommodations, but that has now changed because Government has now gotten out of the housing accommodations responsibility.

In the case of office accommodations buildings, there is an office accommodations building advisory committee which is chaired by the Principle Secretary for Personnel, that advises on the development of new additional office accommodation requirements. But existing office accommodation requirements are the responsibility of each and every individual Controlling Officer and there are 37 Controlling Officers in the Government.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, that reply was much clearer to me. Following on that, I would like to ask if the responsibility of the advisory committee, extends to Cayman Brac or is there another arrangement there?

HON. J. LEMUEL HURLSTON: The advisory committee does not normally extend to Cayman Brac and the advisory committee is only advisory in respect of new office accommodation requirements. It is not to advise on the allocation or distribution of the use of existing facilities. It is a committee to advise on plans of future requirements and future expansion.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member say who is responsible for the assignment of the use of buildings, houses or actual, commercial or business accommodation in Cayman Brac?

HON. J. LEMUEL HURLSTON: The District Commissioner, in consultation with any of his counterparts in Grand Cayman who may have an interest in buildings, would make the decision in respect of Cayman Brac.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, it is my understanding that most of the Departments in Cayman Brac (or should I say all?), are a part of Departments here in Grand Cayman, and they do not or should not operate autonomously. If there is, for example, a need for housing in Little Cayman for fire officers, who would determine that, or who would act on behalf of that particular need? Would it be the District Commissioner, or the Chief Fire Officer, or who?

HON. J. LEMUEL HURLSTON: Madam Speaker, in the circumstances described, the Chief Fire Officer would be the Controlling Officer to take the initiative.

MADAM SPEAKER: We will proceed to the last question on the Order Paper, No. 86, standing in the name of the Third Elected Member for George Town.

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

NO. 86: Would the Honourable Member say what measures are being taken to address the disciplinary problems at the Middle School?

ANSWER: Discipline at the Cayman Islands Middle School is generally good, contrary to the impression recently conveyed in the press. There is a small number of very difficult students whose indiscipline interferes with the smooth running of the School.

Subsequent to the most recent flare-up which made the headlines, an additional security guard from a private sector firm has been placed at the School and three students, considered to be 'beyond control', have been suspended from the School. I am pleased to be able to say that the staff at the School report a marked improvement in recent weeks.

Additionally, certain other matters, touching on several problems, including some which are not directly concerned with the group of most difficult students, such as the time when children are brought to and taken from school, are being acted upon.

SUPPLEMENTARIES

- MADAM SPEAKER:** The Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** Would the Member say whether he has any future plans to deal with the problems that he mentioned?
- HON. BENSON O. EBANKS:** Madam Speaker, I think it is the Member who referred to the problems, not I. He should identify the problems that he speaking about.
- MADAM SPEAKER:** The Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** The disciplinary problems that the Member has set out in his answer.
- HON. BENSON O. EBANKS:** Madam Speaker, the Member asked what measures were being taken to address problems at the Middle School. I gave a comprehensive answer to that question. If there is something supplementary that the Member would like me to answer, I would like him to be more specific.
- MADAM SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** Can the Honourable Member say if prior to the suspension of the three students whom he mentioned there had been any form of psychological assessment?
- HON. BENSON O. EBANKS:** Madam Speaker, the answer is, yes. I am sure that these children have been assessed and re-assessed before the decision was taken to suspend them, before they were regarded as being out of control.
- MADAM SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** I wonder then if the Honourable Member could state the results of the diagnoses?
- HON. BENSON O. EBANKS:** No, Madam Speaker, that is a detail that I did not see arising out of the original question.
- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Would the Member say if there was any indication whatsoever of removing those children with the behavioural problems from the other students in the Middle as a means of remedying the situation, other than the three noted in his answer?
- HON. BENSON O. EBANKS:** Madam Speaker, it was considered necessary to remove the three students mentioned from the school in order to bring order to the school. I have indicated that that apparently has had the desired results.
- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Madam Speaker, I would like to ask the Member then what is the need for having a security guard at the school if the problem has been fixed by removing the three students?
- HON. BENSON O. EBANKS:** The removal of these children did not, by itself, cure the problem. The security guard is very much a part of the improvement that is seen at the school, because, shall I say, people who used to wander onto the compound and around the compound seem to respect this guard and have desisted from doing so.
- MADAM SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** I was only requesting that the results of the psychological assessment of these students be made available to the House.
- HON. BENSON O. EBANKS:** Madam Speaker, that would have to be subject to advice. I have a feeling that a child's psychological analysis should be private, its a medical record.
- MADAM SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** Madam Speaker, what we are interested in knowing from this

assessment is if the problems were psychological, if they were emanating from a physical handicap, if they were purely emotional or if they were of a sociological nature. If the Honourable Member would undertake to give that without providing the specific names and the intricate details, I would be much obliged. And may I remind the Honourable Member that we deal with confidentiality in here everyday.

HON. BENSON O. EBANKS: Madam Speaker, I will undertake to give the Member general information but not specific.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, I would like to ask the Member if it is not the case that the Middle School is fenced with a very high chain-link fence and why is it that access is provided or persons can simply pass through the compound at will? Are not security guards really inconsistent with a school atmosphere?

HON. BENSON O. EBANKS: Madam Speaker, as the Member should know a chain-link fence is not that great a deterrent to a determined individual who wants to go through it. And as is the custom anywhere they will tear it out of the ground and lift it up to go under it, climb over it or cut it and go through it. All of these have been practiced at the Middle School. I see no problem with the security guard at the school, in fact the last session I was questioned as to whether the possibility of placing a security guard from the private sector was under consideration. I was questioned on that in this Honourable House.

MADAM SPEAKER: That concludes Question Time in the House today.

ANNOUNCEMENT BY THE SPEAKER

MADAM SPEAKER: Before I ask for the suspension I would like to make an announcement. Members may have observed some people in the VIP section this morning. They were Sir Fred Phillips, CVO, QC, and Lady Phillips of Cable and Wireless (West Indies) Ltd. I think many of you know these persons, and I invited them to join Members at the coffee break. Unfortunately, they had a prior commitment at 11 o'clock. I am sorry that I did not have prior notice of their arrival otherwise I would have welcomed them while they were here.

The House is accordingly suspended for 15 minutes.

AT 11:22 A.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 11:46 A.M.

MADAM SPEAKER: Please be seated. Proceedings are resumed. Government Business. Bills, First Reading.

GOVERNMENT BUSINESS

BILLS

FIRST READINGS

THE PENSIONS (AMENDMENT) BILL, 1991

CLERK: THE PENSIONS (AMENDMENT) BILL, 1991

MADAM SPEAKER: The Bill is deemed to have been read a first time and is set down for second reading.

THE LIMITATION BILL, 1991

CLERK: THE LIMITATION BILL, 1991

MADAM SPEAKER: The Bill is deemed to have been read a first time and set down for second reading.

THE NATIONAL PENSIONS BILL, 1990

CLERK: THE NATIONAL PENSIONS BILL, 1990

MADAM SPEAKER: The Bill is deemed to have been read a first time and set down

for second reading.

THE INSTITUTE OF CAYMANIAN HERITAGE BILL, 1991

CLERK: THE INSTITUTE OF CAYMANIAN HERITAGE BILL, 1991

MADAM SPEAKER:
for second reading.

The Bill is deemed to have been read a first time and set down

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1991

CLERK: THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1991

MADAM SPEAKER:
for second reading.

The Bill is deemed to have been read a first time and set down

THE PHARMACY BILL, 1991

CLERK: THE PHARMACY BILL, 1991

MADAM SPEAKER:
for second reading.

The Bill is deemed to have been read a first time and set down

Second Readings.

SECOND READINGS

THE PENSIONS (AMENDMENT) BILL, 1991

CLERK: THE PENSIONS (AMENDMENT) BILL, 1991

HON. THOMAS C. JEFFERSON:

Madam Speaker I move the second reading of a Bill entitled A Bill For A Law To Amend The Pensions Law, (Cap. 121).

The Bill seeks to amend the Pension Law, to provide for the establishment and Management of a Fund into which the Pensions contributions that are already being made by Civil Servants and by Government can be paid.

In Clause 1 this amendment shall come into force on the first day of January, 1992. Notwithstanding that clause, deductions made in respect of section 3G(3) which deals with the contributions deducted by the Accountant General from the basic salary or wage shall be paid by the Accountant General into a Fund, at present a Pension Deposit Fund. Further, in respect of section 3G(4), which deals with the payment or the contribution being paid as a Government contribution in respect of each contributor, that shall be charged against the revenue and shall also be paid by the Accountant General into the Fund.

In respect of Clause 1 subsection (2), the contribution being made by each Civil Servant who is on permanent and pensionable terms, this clause authorises the deduction which has been contributed since the first of January 1990. In respect of subsection (3), this amendment seeks to authorise the Government contribution, which has been made since the first of January 1991, as is was agreed with the Civil Service Association and other staff members that first the Government would establish a Fund by deducting 4 per cent from the Civil Servants salaries, having been giving as an extra 4 per cent during the salary revue. So basically, we gave 4 per cent and then we deducted that 4 per cent and we placed it into a Pension Deposit Account. In January of this year the Government then increased the contribution by matching the 4 per cent, which is being contributed by each Civil Servant who is on permanent and pensionable terms.

Clause 2 seeks to define a number of terms utilised in this amendment, such as an "actuary", which means a person who has qualified as an actuary by the examination of the Institute of Actuaries in England or the faculty of Actuaries in Scotland or the Society of Actuaries in the United States of America or Canada and who is a current member in good standing of one of those professional associations; or a person of good standing with some other actuarial qualification who is in the opinion of the Financial Secretary suitable for recognition as an actuary for the purposes of this Law.

"Board" is also defined to mean the Public Service Pensions board which is established under section 3C of this amendment. "Contributor" is also defined to mean a person employed in the public service under the Government of the Islands on pensionable terms. "Fund", which is established under section 3B, means the Public Service Pensions Fund.

Clause 3C establishes a Board which is to be called the Public Service Pensions Board in which the fund shall be vested and which shall, subject to the provisions of this Law, be responsible for administering the Fund, that is the Pension Fund.

The provision of the Second Schedule, which is the constitution and procedures of the Board, basically states that the Board shall consist of the Financial Secretary, the Chairman of the Public Service Commission, two members appointed by the Governor after consultation with the staff representatives of the Public Service, and one member appointed by the Governor acting in his discretion.

It goes on to read that the Financial Secretary shall be Chairman of the Board and the Chairman of the Public Service Commission shall be Deputy Chairman. It makes the provision

that in the event that the Chairman is unable to preside at any meeting of the Board, the Deputy Chairman shall preside. The members of the Board, other than the Chairman and Deputy Chairman, shall hold office at the Governor's pleasure. In any case, whether it is absence or inability of a member of that Board to act, the Governor may appoint another person to act temporarily in his place. The Board shall meet at such times and places as the Chairman may appoint as may be necessary or expedient for the transaction of business. The quorum of the Board shall be three members, being the Chairman or Deputy Chairman and two other members.

The constitution and procedure of the Board also speaks to the Secretary, who needs to be appointed and the Secretary may make recommendations to the Board on the management and investment of the Fund, but subject to that, shall not take part in the deliberations and shall not vote.

The Board shall also, under Clause 3D(1), keep such books and records of account and in such form and manner as the Financial Secretary may direct. Within the period of four months after the 31st day of December of each year the Board shall prepare and submit to the Auditor General in respect of that year a balance sheet; a statement of revenue and expenditure by the Board during the year; and such other statements as may be specified by the Financial Secretary.

On the receipt of the statements referred to in subsection (2), (that is the balance sheet and the statement of revenue and expenditure of the Board), the Auditor General shall examine and audit the statements and shall certify the statements subject to such report, if any, which he may think fit.

The Auditor General shall within a period of seven months after the close of the year to which they relate, return to the Board the certified statements together with his report, if any.

Once the Auditor General's report is received or on receipt of the certified statement and his report, if any, the Board shall prepare and submit to the Financial Secretary a report of the financial activities of the Board during the year to which the certified statements relate. This report shall include a copy of the certified statements and/or the Auditor General's report, if any. The report of the Board together with a copy of the certified statements and the Auditor General's report, if any, shall be laid by the Financial Secretary on the table of the Legislative Assembly as soon as practicable after he receives it.

Clause 3E(1) sets out the powers and the duties of the Board. The Board shall be responsible or receiving into the Fund all sums due to it; the payment from the Fund of pensions and other benefits due under this Law; the payment from the Fund of the expenditure necessary for the administration of the fund; the investment of the Fund in accordance with the provisions of this Law; accounting for all moneys collected paid or invested under this Law; causing a periodic actuarial review of the fund pursuant to section 3I; the sale of investments as necessary to meet immediate liabilities and needs, and for re-investment.

In the performance of these duties, the Board may take such professional advice as it considers appropriate, and pay for it out of the Fund.

Clause 3F deals with investment of the Fund. The Fund shall be invested by the Board in approved investments and under the Third Schedule approved investments are set out. There are securities issued or guaranteed by the Government of the United Kingdom, the Government of the United States of America or the Government of Canada, and maturing within ten years.

Clause 3G deals with the contribution to the Fund by the Government and by Civil Servants on pensionable terms.

The Law goes on to mention that the Fund will not come into operation until it is actuarially proven that the Fund has reached a significant dollar value, which enables it to then begin paying the pensionable Civil Servants. Until that day, the Fund will be allowed to accumulate on an annual charge to revenue as well as pensions. Pensioners, or Civil Servants who qualify for pension, would be charged to revenue as well.

Under 3H(1) it says the duty of the Board to pay pensions, gratuities and other allowances from the Fund shall not arise until an actuary has certified in writing that, after taking into account an assessment of future liabilities, contributions and earning of the Fund, the Fund will be self-sustaining, and the Auditor General has accepted that certificate as fair and reasonable and has so certified in writing to the Board.

Going on to subsection (3), the time for the carrying out of an Actuarial assessment for the purposes of the section previously read, shall be determined by the Financial Secretary, and the costs of any such assessment shall be a charge on the Fund.

In Clause 3I, in every third year after the time when the Board commences making payments from the Fund, the Board shall, as it considers appropriate cause a review to be carried out to assess and evaluate the assets and liabilities of the Fund in order - (a) to determine whether it remains capable of meeting its liabilities at the rate of contribution then in force; and (b) if it is not so capable, to ascertain what rate of contribution would be required to reinstate that capability. This review shall be carried out by an actuary approved by the Auditor General, and shall be completed and a report made within three months of its commencement.

This report shall be made to the Board, which shall send a copy of the report (that is the Actuary Report) to the Financial Secretary, who shall then lay it at the next meeting on the table of this Honourable House.

I believe that I have covered the points that I wanted to bring out in this amending Bill and I am pleased to recommend it to Honourable Members.

MADAM SPEAKER:

The question is that a Bill entitled The Pensions (Amendment) Bill, 1991 be given a Second Reading. The motion is open for debate.

The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN:

Madam Speaker, I support this amendment to the Pensions Law. I think it is long overdue. On numerous occasions during the Budget Speech I and other Members, at least of the Backbench, have called for it. We are looking here at pensions which have accrued or are to accrue to Civil Servants and which is money that they have worked for. That has to be made secure. Despite what section (5) of the Pensions Law may say, (I will deal with that at a later stage), the position has to be that when a person works over a period of years and he has accrued money towards his pension for old-age or retirement, then that money is his or her money, and it is, as I see it, wrong, in fact it is just about criminal to have those funds used for other purposes or, even worse, not provided for at all.

There is now some \$30-odd million that will have to be accrued to meet the future pensions of Civil Servants that have worked, many of them most of their lives within the Civil Service, and Government must at this stage, and it is so doing, make a move to secure that money. I know it will have to be over a period time but it is only fair to Civil Servants that that money be secured and to be frank, that it be secured away from politicians dabbling in it. That is precisely what this Law, in part, sets out because the investment of the Fund is restricted to approved investments. And those investments, it is made very clear that those funds cannot be borrowed or used by the Government, or the politicians who run the Government, the political side of the Government itself.

I believe that the segregation and the isolation of these investments and funds has to be the fundamental criteria to ensuring that when the day comes that Civil Servants retire, there will be money to pay them. This principle must, in my view, be put in all legislation and it would be better still to be put in the Constitution where politicians cannot change it, to make sure that this pension, or any pension at all, whether in the private sector (operated by Government when I say that), that the money cannot be touched and wasted because this has been the problem in other countries. This is, hopefully, setting the example and when we come to debate the National Pensions Bill, we will see a clause just like this one in there, even though I know that that is not palatable or perhaps acceptable. But at least in relation to Civil Servants and this Fund, they can be assured that the money that they have worked for over the years, should be secure.

It is unfortunate, and what appears to me a good law, did not go a bit further and change another very archaic section, that follows right on. This stops, I notice, at section (4) and it did not bring in and alter section (5) of the Pensions Law, which has a direct impact on this, which says that "no officer (meaning Civil Servant), shall have an absolute right to compensation for past services, or to pension, gratuity, or other allowance." That has to be wrong in this day and age.

It should not be at the discretion of the Governor, the Crown, or anyone else, after a Civil Servant has worked all of his life, to have that hanging over his head. I know the answer to that is that normally it is not exercised, but I say that if it is not exercised, then remove it. And make certain that at the end of the day when a Civil Servant retires, he has a right to the pension. It is not something that is being given to him by the Governor, it is something that he has earned, and that is the right to it.

I would ask the Government to look at that section because it appears to me that that has not been touched but that it is fundamental in this modern day and age that not only should the investments be secure, but Civil Servants should be entitled to their pension. It should not be subject to the Governor having a right to take it away, which it goes actually to that stage, where it can be taken away afterwards, or reduced. It says in section 5(2):-

"Where it is established to the satisfaction of the Administrator that an officer has been guilty of negligence, irregularity, or misconduct, the pension, gratuity, or other allowance, may be reduced or altogether withheld."

He can attach conditions to it, naturally, and perhaps it is under that area that I am thinking of, if a pension is conditioned. So, I would commend the Government and the Honourable Financial Secretary on bringing this. I think that it is a good piece of legislation. It is updating and giving permanence and security to Civil Servants, and I would ask that they look further at one day soon making pensions a right and not a discretion of the Crown.

Thank you.

MADAM SPEAKER:

The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.:

Madam Speaker, I rise to add my support to this very important amendment. I am pleased to see that Government has initiated action in recognising the liability that they are faced with, regarding Civil Service pensions by establishing a separate fund into which these contributions from both the Civil Servants and Government can be invested. I think it is also wise, as is being proposed, that a special Board for the administration of this Fund is established to oversee the investment of these funds, and that it is Chaired by the Financial Secretary.

What I am most pleased also to see is that there are guidelines with regard to those investments that these funds can be invested in. It states in Schedule Three:-

"Securities issued or guaranteed by the Government of the United Kingdom, the Government of the United States of America or the Government of Canada and maturing within ten years."

It is important that these funds, which are set aside for Civil

Servants' retirement are available when the Civil Servant reaches retirement age. And in order to ensure this prudence and care must be exercised with regard to what securities or what investments these funds are invested in. So, I think that it is very prudent that securities guaranteed or issued by these respective Governments are the ones approved for investment, as far as these funds, are concerned. What is also very prudent is that this pool of funds, and it will not take very long before it becomes a substantial amount, will not be available to this Government, or any Government in the future, for borrowing purposes.

We must ensure that we do not repeat the same mistakes that so many other jurisdictions have made in respect to dealing with pensions. It must be very disheartening to work all of your life, look forward to retirement and upon reaching retirement age, being told that there are no funds available for you to spend and enjoy in your retirement age, especially after you have worked so hard to earn the right to a pension.

I trust that since the precedent has been set by Government in dealing with Civil Servant pensions that the same policy will be adopted by Government in relation to the proposed National Pension Fund, because it is of utmost importance that we recognise the awesome responsibility that we have of not only caring in setting aside for our peoples' retirement, but ensuring that when they do reach retirement age that there are funds available for them to enjoy.

Thank you, Madam Speaker.

MADAM SPEAKER:

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Madam Speaker, I too, would like to add my support to this Bill, and will say that the Government has a good track record in managing the currency. The Government of the Cayman Islands many years ago embarked on its own currency, putting in very strict guidelines for the investment of the funds and throughout the years the investment has been good and has yielded fair returns. So, I believe if similar practices are used with this Pension Fund, this too, can be administered in a manner that will result in a profitable venture which will guarantee the payment of pensions to retired Civil Servants.

We appear to have moved into a period of deficits, looking at the results of last year, and it would not take too many consecutive years of deficit financing to make it difficult for the Government to meet its large pension bill. So I must congratulate the First Official Member for the steps that he has taken, not only with the new currency, but also with this Pension Bill which is before the House.

I am happy to see that the investments will be confined to guaranteed securities because this is vital. We must not throw money away looking for investments which only promise to yield large interest rates or large returns. We need to use investments, we need to use fiduciary instruments which have proven themselves over the years. Confining this to securities issued, or guaranteed by the Government of the United Kingdom, (although that may soon be enveloped in the whole of Europe), and the United States and Canada seem to me to be the right move, because these countries are the leaders, in at least in the western countries, that we have been used to following.

I would have liked to have seen even further restrictions put on the investments whereby only a certain percentage of our total assets could have been put into the securities of a particular country. For example, I would not like to see 90 per cent of the investment going to one country and then we find out that for some unforeseen reason that country and its investments finds itself in the doldrums of economic adversity. Perhaps a wider range of investments would also guarantee more security. But we are on the right track and after years of experience in operating the Fund, it can then be re-examined by our Financial Officers and they can determine whether there is room for improvement.

The pension of the Civil Servant is one of the attractions that initially lures a person into the Service. I agree with the Third Member for George Town, who would like to see that archaic section 5 removed from the Pension Law, giving the Governor the discretion to interfere with the pension after it has been earned. Because I do not see a Civil Servant, after 30 years or however long he has served in the Service, suddenly performing in such a poor manner that he is not entitled to a pension. If his performance is like that, he should have been put out of the Service at a very early age. It would have shown up long ago and he should not have been left there until time had qualified him for a pension. So that once he has put in the years and has earned the pension, I think the Civil Servant should have an absolute and an unconditional right to that pension.

I am calling upon the First Official Member to look at this section and to bring an amendment, at some later stage, perhaps next year or whenever he can get around to it, and modify this clause.

The Pension Law was filled with archaic provisions and over the years they have been ironed out. There was a time when the pension was not vested in the Civil Servant at all until he had reached the age of 55, even if he had put in 25 years he had no pension. That was amended, I can remember, a few years ago. If he had a long stretch with broken service, the two stretches could not be put together, this was amended. So all of these archaic provisions which came into our Pension Law, because we followed in Cayman models of Pension Laws that had been in existence in the Commonwealth for probably the last 100 years. Now that we have moved into a new age, an age of enlightenment, we are moving into a new century soon, it is time that we amend the Law and improve on it and give unto the Civil Servant whatever he has earned as a right.

For a short time since January of 1990, the Government has been holding back a small percentage of the Civil Servant's pay which, incidentally, the Government has made up for by giving them the extra 4 per cent as a pay raise and then holding that as a pension reserve. This Law will only provide a safe vehicle in which this money can be put so that it can be kept from the clutches of would-be people that might squander this money on grandiose projects, which might only be to help the image of the spender.

I would have liked to have seen a very specific provision in this Law spelling out precisely that these funds could not be used, could not be borrowed, could not be spent by the Government for any purpose, particularly by the politicians. Of course, the way it is structured it will be difficult to cash in these investments in large enough hoards to do very big projects, so there is some safety in the construction of the system which has been put in place.

I could go on for a very long time and deal with minor points, but I am so satisfied with the overall presentation of the Bill by the First Official Member that, for once, I will not exercise my diligence with these matters. I support the Bill.

MADAM SPEAKER:

The First Elected Member for Cayman Brac and Little Cayman.

CAPT. MABRY S. KIRKCONNELL:

Thank you, Madam Speaker.

I rise to give my support to the Bill now before this Honourable House, A Bill For A Law To Amend The Pensions Law, (Cap. 121).

I am very glad that this is here today. I think that it is long overdue. I would first like to congratulate the First Official Member in the very able manner in which he presented the Bill, which was so clearly put that it could be understood by all in the listening audience. It does not leave very much for me to explain on my side, but I am happy to know that a Public Services Pension Fund is now going to be established. This Fund will, in itself, accrue interest from proper investments and therefore funds for pensioners will not have to come out of the revenue from the Government for the coming year. But this Fund, in the not too distant future it is my hope, will be substantial enough that it will be able to pay the pensions from that Fund.

I note that a Public Service Pension Board is being established and I am very pleased with the composition of that Board. I think it will be well-managed and go on to be the benefit that we all want it to be.

In speaking of the Pension Law which this Bill is amending, it has given me concern in the past that when under our Pension Law pensions were given to the spouses of deceased pensioners it was not made retroactive to include all those who had served in the very early days. Because as we all know, they then worked for a very small salary and with world inflation through the many years, the salary that they earned during their time as Civil Servants certainly cannot pay bills of the 1990s. There are some surviving spouses of long-serving Civil Servants who are not now enjoying any pension at all. I would have liked to have seen that included when we were amending this Pension Law. These people have served us faithfully and helped to enable us to stand here today and be able to provide a Bill to amend the Law for a separate pension fund.

I also am very happy to see that there will be in this Third Schedule approved investments, it has very clearly been said by other Members, that the securities issued are guaranteed by the Government of the United Kingdom, the Government of the United States of America and the Government of Canada and that they will mature within a ten year period. This is a wise judgement because with the ups and turns of the economy in the world, it would be imprudent to go beyond a period of ten years. I am glad to see that limitation has been placed.

The contribution that Civil Servants have made in the past and will continue to make in the future deserves them great recognition and I am pleased that I can vote to support this Bill, but I agree with previous Members that now that this is going to be a contributory pension, it should definitely be that it is their pension by right and not at the discretion of the Governor. So I support the motion and I congratulate the Government for bringing the amendment to this House.

Thank you, Madam Speaker.

MADAM SPEAKER:
Cayman.

The Second Elected Member for Cayman Brac and Little

MR. GILBERT A. McLEAN:

Madam Speaker, I rise to support the Bill For A Law To Amend The Pensions Law, in which it seeks to create a Fund to be administered separately for the pension of Civil Servants.

I support this on more than one ground, one being that I support the idea of pensions generally. I do not share the crazed repugnance of certain elements in this society against the whole idea of a pension, if I did, then I would have to find something wrong with Civil Servant's receiving a pension.

I know that for many years in the past and I believe that it is true even now, one of the things that attracted people to the Civil Service was the fact that after they had worked for a certain period of time, they would receive a pension. There are many Civil Servants, or past Civil Servants who now receive a pension and I believe in many instances they were not able to save immense sums of money, but certainly the pension which they receive each month helps their quality of life, helps their finances.

Pensions in the Civil Service is a very large liability on the Government. That became clear, I think that it was last year, when at a presentation at the Government Administration Building by the people, or the consultants whom the Member for Health had employed to look at pensions, told us that it stood at that time at approximately (if I remember correctly), \$30 million. That indeed is a very large undertaking for the Government and certainly it is good that it does not become due all at one time. It works basically, on a pay-as-you-go system.

Here, I would like to give some credit to the Member for Health, who in part of that exercise with agreement no doubt of his colleagues, took into account the position of the Civil

Service in terms of the liability to Government of a pension scheme, such as is now being recommended in this Bill. The organisational structure of the management of this Fund, in my opinion, makes sense. It involves people who have a direct connection with the Civil Service, the Financial Secretary, the Chairman of the Public Service Commission and two other persons whom we might expect would be appointed with due interest in the Civil Service and the knowledge necessary to administer the Fund which is proposed.

The fact that the contribution is set up the way that it is, with a deduction from the employee's pay and Government matching with an equal percentage, while it is Government that is paying both in the final analysis, I think is an indication of fairness because in my opinion, I think that any fair pension system should involve both parties, the employer and the employee.

The point was made by the Second Elected Member for Bodden Town that he would like to see perhaps more specifications as to how and the percentage of funds which would be invested in foreign investments. I think that is a very sound recommendation and I would hope that it is a responsive enough Government to give some serious thought to this. If not bringing an amendment in Committee stage then at some early time when that does make sense, because even industrialised nations do fall on hard times and who knows what will occur in this world of ours, a country where we were absolutely sure that the investment was sound, could find itself in trouble and thus our investments could be in trouble.

One thing that I think totally contradicts what has been presented in this Bill is the fact that the presenter of the Bill, or the Government of the day did not choose to remove the absurd situation where the Governor, in his discretion, may reduce the amount of pension payable to those persons who have earned it, or indeed I dare say, stop him or her from receiving any pension at all.

I think that simply fits the order of the day and the colonial mentality where people see themselves subjugated to a superior power that should be exercised at discretion over them as if they have no right at all.

I believe that anyone, including a Civil Servant, who has worked under certain terms and conditions of service for (and included in those), a pension, it must be a right. It cannot be used as a weapon to punish the person. I cannot picture someone being punished for murder until he has committed it and if something goes wrong at some point in time in the career of a Civil Servant, that Civil Servant is dismissed or whatever, then well and fine, that does happen. But to think that what he earned prior to that can be subjected to the discretion of the Governor or other authority, certainly boggles the mind in this modern day and age. It is against the grain of every sensible type of employer and employee relationship internationally.

I share the views of those Members who have spoken about this and I trust that the Government, at the earliest possible time, will move to remove such a condition from the Pension Law which affects Civil Servants.

MADAM SPEAKER: Would this be a convenient time to take the suspension?

MR. GILBERT A. McLEAN: Madam Speaker, one more minute and I will be through.

MADAM SPEAKER: Fine.

MR. GILBERT A. McLEAN: Thank you. This amendment has been long in coming. I think that it is a good and bold, sensible, managerial, financially sound amendment and I think that it is a step in the right direction. I find it very easy to support this Bill with the exceptions that I have noted. Thank you.

MADAM SPEAKER: Thank you. The House is accordingly suspended until 2:15 p.m.

AT 12:50 P.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 2:20 P.M.

MADAM SPEAKER: Please be seated. Proceedings are resumed. Continuation of the debate on the Pensions (Amendment) Bill, 1991. The Honourable Member for Health.

HON. D. EZZARD MILLER: Madam Speaker, I rise to support the Bill to amend the Pensions Law (Cap. 121). It goes without saying that I support this Bill because I am convinced that it is a step in the right direction. But, I am rather perturbed by some of the comments by previous speakers, particularly the Third Elected Member for George Town in his spiel about politicians not having access. I want to make it quite clear that those words about politicians do not pertain, or apply to those politicians with whom I take tea.

I think that politicians are honest and honourable people and I do not believe that the Caymanian politician in particular, would deliberately set out to spend and squander a pension fund that had been set up in the first instance by politicians, because it is politicians who are going to have to find the 8 per cent of salaries on an annual basis to put in this Fund.

I believe that the safeguards in the Bill are good ones, of course and I can only assure him that the provisions in the National Pension Plan are as good and in fact, they are better, because the actuarial reviews for instance, are biannual instead of triennial.

I believe the Government has demonstrated its commitment to properly funding and providing for Civil Servants' pensions. It was this Government that had actuarially valued what the liability was. It is this Government that has made the provisions in the last two years to put monies in the fund. It was this Government that gave the Civil Service an additional 4 per cent increase on the last salary award and took those funds back and put them in a special fund to fund pensions.

I only implore him that when he gets into Government he take as much care of their funds as we are endeavouring to do.

Concerning the whole Pension Plan for the Civil Servants and other amendments that might be necessary, let me hasten to add that once the national pension legislation is put in place, certain improvements will be necessary for the Civil Service Pension Plan to qualify to opt out if they so desire. The only caution that I would suggest is that we wait until the National Pension Bill is in its final form and passed and approved by Parliament before we make additional or complete review of the Civil Service Pension Law, because only then will we be able to ensure that it can in fact comply to opt out and be licensed as a pension plan that can be sold locally to provide pensions for Civil Servants.

With those few comments I support the Bill.

MADAM SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

Thank you, Madam Speaker.

I would like to begin by saying that there are a few striking things about this Bill. One is its brevity, but more importantly is the lucid way in which it is written and explained.

I am happy to be able to support this Bill because I think it is timely and I would go on record as saying that it perhaps marks a continuous coming age, if I might use that phrase of ours in the Cayman Islands, by seeking to provide separately and apart a Bill which guarantees that our Civil Servants will be entitled to a pension upon their retirement.

It has been said by previous speakers and it is a truism that one of the attractions, perhaps the major attraction for many years in the Civil Service, has been the possibility of earning a pension at the end of one's tenure of service.

This Bill clearly establishes that Fund and there are few faults, if any, that one could find in the Bill.

I, too, would like to be placed on the record as saying as far as the original law is concerned, it would be good in future if we could see fit to remove that section, I think it is section 5, which lays the discretion of the pension clearly in the lap of the Government. I would go so far as to say that any pension scheme which is contributory, it is almost a universally accepted fact that no one person, be it the Governor with all due respect, or any other officer, should have the right and I believe that if anyone's pension is withheld in a contributory scheme it could be successfully challenged in a court.

I would also like to suggest in regards to this amendment that some caution should be taken with the investment of our funds. Nations have been known to have fallen on bad times. So we should be careful not to investment an inordinately large proportion of funds in any one country. Certainly as far as the United Kingdom is concerned, we might be prudent to monitor carefully what happens, especially with their advent into a Common Europe in 1992. We will have to await the outcome of what kind of currency, if there are any fluctuations in this currency, how it will relate or compare to the value of our currency and so on and so forth.

But that does not negate from the fundamental soundness of the whole idea of investing the funds in countries like the United Kingdom, the United States, and Canada.

I would like to, in the final analysis, congratulate the mover of this amendment and to suggest that this type of amendment should serve as a model for other similar types of motions. Certainly in the case of the National Pension Plan, there are some principles which we could learn from this Bill today.

Thank you, very kindly.

MADAM SPEAKER:

Honourable Member wish to reply?

If no other Member wishes to continue the debate will the

HON. THOMAS C. JEFFERSON:

Thank you, Madam Speaker.

appears to be unanimous support for the Bill.

I believe that it is fitting to begin by saying thanks for what

Members, I think, had some concern about the way in which investments may be made in securities guaranteed by the United Kingdom, the United States and Canada. We have had some amount of experience with this given that the Currency Board has been around for some time.

Perhaps just as information, the way in which it is done for the Currency Board is that any firm that is contracted or otherwise, to carry the investments on behalf of the Currency Board or of this Government, is supplied with guidelines as to what securities can be invested into and so on and so forth, so that the persons who are carrying out the investment of our funds are doing it in the way that we have laid down for them to do. Bearing fully in mind that the most important aspect is the security of the assets in which we are investing into to.

It is fine to make a lot of interest, or to make capital gains, but with that movement comes substantial risk as well, which I do not believe that the Pension Fund should venture into. These guidelines will be drawn up and presented to the Pension Board for their decision.

I believe that if we examine the number of Civil Servants who are on pensionable term today, and look at the frequency of their ages, we would not find a substantial amount above the age of 45. I believe that we have at least, if you would allow me to use the expression, a 10 year holiday when this Fund could accumulate to a rather significant figure, given that we have been contributing 4 per cent in 1990, and 8 per cent since January 1991, at the end of May it has already reached \$1.7 million. We can do our calculations in our own heads and figure out that it does not take too many years before we have a substantial amount of money provided for Civil Service pensions.

I think the Bill present before us, lays down the security features surrounding the way in which assessments and actuarial studies should be done which, will assist all of us to understand the full extent of the liabilities. I am not an actuary, but actuaries, like everyone else, depend upon what assumptions you use. Those assumptions then lead you to an answer. Maybe actuaries using different assumptions will come up with a different liability for the pension liability for this Government. But we will find out because we will call for it.

Members also mentioned the "archaic" section of the Pension Bill. Realising that it has been around for, I believe, some 40 years, I would not say that they were calling me archaic if I said that I was 40 years old, but some may. I think it certainly, the whole Law warrants study with a view to making amendments. I do know that there are amendments which the Government is presently considering. But if we were to wait for that exercise to put these various proposals before Government, I believe we would be here for another 18-24 months, because the Pension Law is not an easy document to read and to understand in its entirety. I believe that the Government will take on board the need to review the Law and to bring it up to modern day practices in pension respects.

I am not going to give any guarantees to the House that I will be back here in September or November moving such amendments, but I could say that in all honesty I do know that Government is considering some amendments to the Law.

I thank Honourable Members for their support.

MADAM SPEAKER:
against No.

I shall put the question. Those in favour please say Aye...Those

AYES.

MADAM SPEAKER:

The Ayes have it.

AGREED. THE PENSIONS (AMENDMENT) BILL, 1991, GIVEN A SECOND READING.

THE LIMITATION BILL, 1991.

CLERK: THE LIMITATION BILL, 1991.

HON. RICHARD W. GROUND:
Limitation Of Actions Bill, 1991.

Madam Speaker, I rise to move the second reading of The

Limitation Of Actions Bill, 1991. Madam Speaker, this is a Bill for a Law to repeal and replace the existing Limitation of Actions legislation which is presently contained in the Limitations Law, which was one of those Laws that the Cayman Islands inherited from Jamaica in 1962.

The Limitation of Actions, to a lawyer anyway, deal with the time limits that apply to the bringing of actions in court after whatever is the subject of the litigation, the time limit after that has arisen. Though a simple thing to state, can be very complicated when one gets down to the detailed rules that apply to the various different courses of action.

Our existing Law is, I regret, rather archaic. I think that anyone who tries to read it will find first of all, that it contains elaborate and convoluted provisions relating mainly to concepts of land holding that have no longer been preserved since the Registered Land Law greatly simplified Cayman's land legislation. The existing Law also deals with the limitation of actions, in other words the time limits, for debts and actions for breach of contracts, but it is singularly unhelpful in that it refers us back to a statute dating from the time of King James I, which is now more than 350 years old and was written in an archaic form of legal French that no one can now understand.

Finally, the existing Law is defective in that it contains no provisions whatsoever relating to the time limits that apply to actions in what lawyers call "tort". Tort is very much a legal concept, but basically it embraces and gathers up under that one name all the forms of action or causes of action that arise out of wrongful acts. So it stretches from actions for harm that may be caused by negligence through nuisance and trespass, to actions for theft or conversion of other people's goods. It is a great portmanteau of a category of legal actions.

The Law that relates to tort and to all these different heads of claim is something which has very much grown up over the last century, and that may well be why it has been omitted from the existing Cayman legislation.

The time has definitely come to remedy the archaism of the existing Law and to do that the Bill which is put forward is based very largely upon the existing United Kingdom legislation with some fine tuning to adjust to local conditions and in particular to adjust it to the specific provisions of the Registered Land Law.

The relevant UK legislation is the Limitation Act, 1980, although that is subsequently being amended and we have sought to pick up the subsequent amendments in the Bill which is before the House today.

Now this is very much lawyer's law. It deals, as I have already said, with the time limits for bringing actions. In order to ensure that the legal profession were appraised of what was intended and have plenty of time to consider it and if necessary comment, I circulated preliminary drafts of the Bill to the senior partners of all the law firms two year ago. And I also sent copies to both of the legal associations, that is the Caymanian Bar Association and the Law Society, inviting their comments, if they had any, and suggesting to the law firms that they could either deal with me directly or make their comments through the professional associations, whichever they preferred. I have had some individual feedback and I can say that the comments that have been made to me have been embodied in the Bill that is before the House. I have not had very much feedback and I optimistically hope and take that as a sign that by and large the legislation does not meet with any concerted opposition. I have also ensured that it was gazetted back in April of this year so that other interested parties would have time to look through and absorb it. I stress that because it is complicated and cannot readily be taken in at a quick read. And I had previously sent copies to such of the various associations on the Island who had expressed an interest. For instance the Banker's Association got their own copy of the draft over a year ago.

Finally, I had sought the comments of the Judiciary. It is an indication of how long this piece of legislation has been on the stocks that the comment from the Judiciary came from the previous Chief Justice and not this one, but he was kind enough to write that the Bill was generally welcomed by the Judiciary and they regard it as, and I quote: "The significant advance in the task of updating our legal procedural machinery in the Cayman Islands.". And, Madam Speaker, it is exactly as that, as an "updating of the legal procedural machinery" that I put this Bill to the House.

Although I have said that it is lawyer's law, I do feel obliged to take the House through it. I will try and do this without getting too enmeshed in the detailed provisions and the detailed subsections of the Law. If I miss anything, or there is anything that troubles any Member, or any Member would like to talk to me about, I would like to stress that I am readily available at any time to any Member who would like anything explained or expanded upon and I will be happy to either do that in my response to this debate or privately to Members during the tea-break, or out of hours.

I cannot say enough times that this is complicated but it is important and I am certainly willing to give whatever time is necessary to make sure that Members know what is proposed and how it would be worked out in practice. With that introduction let me launch into the Bill. It has 46 sections.

Section 1 is simply citation, it does not provide for commencement date because it is intended that if passed the Bill would come into effect when assented to and published. But there are savings provisions in the closing sections of the Bill that we will look at, when we get to it.

Section 2 deals with interpretation and I do not think that I need to go through the various definitions there, but subsections (2) and (3) deal with the definitions of "disability". Basically disability because of youth, because someone is under the age of majority, or disability because of unsound mind. And the point of defining those is that later in the law it is provided that time does not run against a person while they are under a disability.

is for the purposes of the Law.

Subsection (7) of section 2 also defines what a "right of action"

accrue.

Subsection (8) tells us when the "right of action" is deemed to

Now the most important section of the Bill is Part II - Ordinary Time Limits For Different Classes Of Action. I stress the "ordinary", it sets out the basic rules that apply to the broad classes of actions that we know under the common Law and these are the ordinary time limits. There are, as one works through the Bill, specific and detailed qualifications to them, but these are the ground rules as it were.

Section 3 really says what I have just explained and in particular in section 3(2) in says: "The ordinary time limits given in this Part are subject to extension or exclusion in accordance with Part III." And we will come to Part III as we go through the Bill.

Section 4 deals with actions in tort and it says: "(1) An action founded on tort (other than on libel or slander) shall not be brought after the expiration of six years from the date on which the cause of action accrued.". I have explained that tort is a whole category of actionable wrongs and this sets up the time limit of six years from the date on which the cause of action accrues. That is the same as we will shortly see, the same time limit as the time limit for actions on contract.

Special provision is made for libel and slander in the next subsection. That is a shortened time limit, it is shortened to three years. I think that the policy of that, and it is derived from a Royal Commission in the United Kingdom, the Faulks Committee which reported in 1985. The policy of that was that libel and slander are very much immediate matters and they deal with wrong to someone's reputation and that either has to be corrected or not at all and so that it is slightly shortened there.

Sections 5 and 6 deal with fairly complicated rules relating to conversion. Conversion is the civil action that relates to the wrongful taking of goods. It is the civil analogy to theft. Because if goods are wrongly taken they may subsequently find their way onto the market and be sold to somebody who is innocent. Provisions have to be made to balance the right of the person who has lost his goods and the right of the person who may have bought the goods in an open market and paid value for them. So fairly elaborate provisions are made in sections 5 and 6 for successive conversions. Provisions which deem that in the case of a dishonest theft, all subsequent transfers are regarded as an actionable conversion unless one of those subsequent transfers is to a bona fide purchaser for value.

Section 7 of the Bill deals with one of the other great subdivisions of the causes of action and that is the action on contract, in other words, an action for breach of contract. And the rule set out there is that: "7. An action founded on simple contract shall not be brought after the expiration of six years from the date on which the cause of action accrued." That is the time limit which in fact is specified in our existing Limitation of Actions Law, so this does not change anything, but it does state it in simpler and more up-to-date language.

Section 8 goes on to make specific provision in respect of certain types of loans. Loans are in fact just a variety of contract, it is a contract to lend and repay money. Some types of loans do not have a date for repayment, they are repayable on demand, or they have not time for repayment and section 8 therefore makes specific provision of when the cause of action arises in respect of such loans. It says basically, that the cause of action does not arise until a demand is made and is not met and the six years then runs from that demand.

Section 9 deals with action to enforce arbitration awards and there again the time limit is the standard time limit of six years.

Clause 10 deals with what are called "specialties". Basically a speciality is a deed, though they have come to be used as a term of art to particularly mean an obligation under seal to secure a debt due from the Crown or under a statute. The time limit for deeds under our existing Law is 12 years and that is double the period for normal courses of action that is preserved in Clause 10 as 12 years from the date on which the cause of action accrued.

Section 11 deals with sums recoverable under an instrument of an legislative character. In other words sums that might be recoverable under a provision in a Law and that provides for a time limit of six years for bringing your cause of action, six years from the date on which the cause of action accrued.

Clause 12 deals with what is known as contribution. It is used in a rather narrow legal sense and it means that the contribution that may be exacted as between joint tortfeasors. If I could just take a moment to expand on that, more than one person may be liable for an act of tort, an actionable wrong. Two or more people may by their actions contribute towards the damage and therefore be jointly liable. One may be more liable than others, they may be equally liable.

The person who is damaged can choose who he sues. This is the general Law and is not affected by this statute, but when the person who is damaged does choose who to sue, sues him and recovers damages against him, that unsuccessful defendant is entitled to claim a contribution from anyone else who may have been responsible in whole, or in part, for the wrongful act. And that is the contribution that is referred to here. The time limit for recovering that contribution is two years. It is shorter than the normal cause of action but it is shorter because there will already be an action in train as between the person who suffered harm and the person who, in part, caused it. And it is expected that the person who, in part, caused the harm will claim his contribution, either in that action, or least will be so put on notice of his position as to claim it briskly thereafter.

Clause 13 is an important one; it is one that I would particularly draw the attention of the House to. It deals with damages in respect of person injuries that arise either because of negligence, nuisance, or breach of duty however arising. But the classic action for personal injury is the action for damages arising out of a motor car accident or a road traffic accident where the victim will be claiming against another party, the driver. I mention that as an example just to bring home, in simple language, what we are talking about. But in fact, those sections apply to all forms of action, however they might arise in which personal injury is the essence of it.

A special time limit is provided in the cases of personal injury and it is a time limit of three years rather than six years. Three years from the date on which the cause of action accrued, which will normally be the date on which the injury happened, in taking my earlier example the date when the car accident happened that gave rise to the injury.

However, in some instances the person who has been injured may not know that he has been injured until later. Of course he would in a car accident, but as I stressed a moment ago this provision applies not just to those obvious forms of injury, but to all forms of action where the heart, the essence of it is harm that has been done to some person. And there may be cases of poisoning (and I hope that these do not arise in the Cayman Islands but one has to make provision for all eventualities), cases of industrial injury, cases of medical negligence, where the person who has been harmed may not realise sometimes until many years later. There have been examples in the UK and the United States of carcinogenic substances causing damage to workers that does not arise, they have no idea that injury has been done to them until many years later when they develop a specific cancer. In such a case the three years for bringing their action dates from the time when they discovered the harm. Then there are various rules set out in the Law which we will come to shortly. Various rules as to when a person has deemed to have discovered a harm.

Where the essence of an action is personal injury which has caused death, then notwithstanding the fact that the person who has been harmed has died, actions under the existing Law may be maintained by his estate for the benefit of the dependents of the victim and the time limit for bringing those actions is three years from the date of death, or three years from the date when the personal representative, the executor for instance, finds out that he has a cause of action, whichever is the later. And then there are fairly detailed rules governing what happens when you have more than one personal representative and their times and knowledge are different.

Section 14 deals with a different subject but also one where the harm may not be known for some time. It deals with cases other than personal injury cases, it does not touch personal injury because they are dealt with in section 13. Cases other than personal injury where the damage does

not appear until some later date. In legal terms it is called latent damage, maybe in laymen's term a latent defect. You may buy a car that may be defective the moment you buy it but you may not discover it until many years later, maybe when it causes an accident, that it was defective and always was defective. In such a case time runs from either the six years from the date of the cause of action (the date of the cause of action would be the date when you bought the defective car in the example that I just gave), or three years from the date that you found out that it was defective, whichever is later.

Then there are very elaborate rules for defining when that second period of three years from the time that you find out that the damage existed. Elaborate rules for computing that, which I do not think that I need to take Members through, but just to draw attention to the fact that they are in there.

Clause 15 deals with overriding time limits for certain negligence actions. It tells us that an action for damages for negligence, other than one which causes personal injury shall not be brought after the expiration of fifteen years from the date on which the act or omission which constituted the negligence happened. There is really a sweeping up, an over-arching period, which puts a final limit on those cases of hidden or latent damage and says that notwithstanding the postponement provisions in the case of them, there is an overall limit of 15 years. So if in an unusual case where the damage may not emerge until 16, 20, or 30 years after the negligent act which caused it, that would be statute barred. And it is done on the basis that there just does have to be an end to the possibility of litigation at some time.

Clause 16 makes further provision in respect of actions arising because of the death of a person. And these are the actions that I had mentioned a moment ago that may be brought by the personal representative on behalf of the dependents of a dead person, a person I should say, whose death has been caused by some actionable wrong. In such a case the discretion is given to the courts to allow the time limit on an action to be overridden, in other words to give the courts discretion to allow a longer period than the three years mentioned in clause 13, where that is appropriate.

Madam Speaker, I am going to move fairly fast over the next sections because I do not think the House needs to become entrained in them.

Clause 17 deals with how the time limit operates under section 16 in relation to different dependents.

Clause 18 relates to the definition of the date and knowledge for the computing of time in the cases of personal injury and the death. You will remember that I said that the time limit may run from when the person who has been injured discovers that he had suffered an injury.

Clause 18 tells us what rules should be applied to determining when he did in fact discover that he had suffered that injury.

Clause 19 is an important one and it moves on and deals with one of the other great classes of action that may be brought, time limits for actions to recover land. I had said earlier that these were dealt within the existing Limitation of Actions Law, they are now enacted here in a simplified, modernised form, but the essential point is that the time limit of 12 years has been retained; twelve years for actions to recover land. In laymen's parlance this most often arises in the context of adverse possession, what is sometimes called "squatter's rights". The period for achieving such rights is 12 years.

The remaining subsections of clause 19 and section 20 deal with various complicated cases relating to the actions for land. I think that Members will appreciate that there is a complex body of law that has grown up around such important actions, so quite elaborate provisions have to be made for them and they are set out over the next two pages.

Perhaps most importantly I might just draw Member's attention on page 18 to subsection (9) of section 20, which provides that "no action to recover lands shall be treated as accruing unless the land is in the possession of some person in whose favour the period of limitation can run".

Clause 21 deals with the limitation period in respect of actions brought to recover land by the Crown. It sets out a period of 30 years rather than 12 years. Lest that seem a long time, I might point out to Members that the present provisions provide for a 60 year period for the Crown. It is reduced here to 30 years except in cases relating to the foreshore, where the period remains at 60 years. I think that in fact in Cayman the circumstances in which that class of action might arise is limited in the extreme because of the narrow definition of "foreshore". It is the gap between high and low tide, and there is not a great tidal fall here.

Clause 22 deals with redemption actions for mortgages. It is in here (and I say this lest anyone says, "Why do you need this? The Registered Land Law deals with what you do about charges). That is in fact true, but there may be types of mortgage that arise other than under the Registered Land Law. They are known as "equitable mortgages", and there might also be mortgages of property other than real estate, of personal property. In that case section 22 would apply.

Section 23 tells us what happens when the limitation period in respect of action to recover to land, that is 12 years, has expired. If you do not bring your action to recover land which has been taken from you within 12 years, your title to that is extinguished. Put another way, if you squat on someone's land for 12 years without him attempting to evict you, or without him giving you permission to be there, you get rights to that land. It is the same as the existing Law, this makes no change.

Clause 24 provides specific action for the case where the land concerned is held by a trustee on trust.

Clause 25 deals with the recovery of rent by action in the courts. It provides that no action shall be brought to recover arrears of rent or damages in respect of arrears of rent after the period of six years from the date when the rent fell due. In other words if someone owes you rent, you have to sue them within six years from when it falls due or your action is statute barred.

Clause 26 goes on to deal with the period to recover money due under a mortgage. It provides for a period of 12 years. It says that "no action shall be brought to recover any principal sum secured by a mortgage on land or on personal property after the expiration of twelve years from the date on which the right to receive such principal sum" became due.

Clause 27 deals with trust property and tells us that "no period of limitation prescribed by this Law applies to an action by a beneficiary under a trust," when it is an "action in respect of any fraud or fraudulent breach of trust" committed by his trustee. Or where it is an action to recover from a trustee, trust property which the trustee has converted to his own use. In other words there is no time limit in respect of those actions. The Law takes a high view of the duties of trustees and will not relieve them of the consequences of any deliberate default on their part, any theft of trust assets in other words.

In other cases where there is no fraud or deliberate deception involved, other actions by a beneficiary against a trustee is subject to a six year limitation period. That is set out in subsection (3) of section 27. Other such actions might be actions for breach of trust where there is no deliberate intent to defraud involved, where the trustee has been negligent or careless, or has neglected to carry out the provisions of the trust settlement, or whatever.

Clause 28 deals with the periods under which a beneficiary may bring an action in respect of the personal property in the estate of the deceased person. Normally it is 12 years, but interest on a legacy, the limitation period in which to claim that, in other to words to bring an action against an executor who you claim is not giving your due, is six years.

Clause 29 deals with an action for an account. An "action for an account" is when you go to the court and ask for them to order somebody to give you an account of how much money they might owe you, or of how they have dealt with funds that they might owe you or might hold in trust for you, or whatever. It provides that: "29. An action for account shall not be brought after the expiration of any time limit under this Law which is applicable to the claim which is the basis of the duty to account." So if you are a beneficiary under a trust and you want to claim an accounting, in common parlance, from a trustee, as to what he has done with the trust assets - and you are not saying that he has stolen them in any way, but you just want him to tell you how he has disposed of them - then your time limit will be the time limit that applies to actions by a beneficiary, and that is as we saw just a moment ago, is six years.

Actions to enforce judgements are dealt with under section 30 and it provides for the standard time limit that we have seen throughout this part, of six years.

Clause 31 makes some fine tuning provisions in respect of when the time limit runs in respect of the administration of the estate of the deceased person.

That concludes Part II of the Bill, which is as I said at the beginning of it, deals with the broad general rules relating the main types of action that may be brought before the courts. Just to sum it up actions for tort have to brought within six years, actions for breach of contract have to brought within six years, actions for the recovery of land have to brought within 12 years, and actions for personal injury, whatever their nature, have to brought within a special period of three years.

Moving on to Part III, it deals with circumstances in which those general rules may be extended or excluded. I will take them quite quickly.

Section 32, deals with when somebody is under a disability. We saw in the definition section at the beginning that a disability is when somebody is an infant under the age of majority, or is of unsound mind (there are elaborate rules for determining when someone is of unsound mind), but the basic rule, once you have determined that somebody is under a disability is that time does not run against them until they come out of that disability. So, if somebody has a right to bring an action because of personal injury inflicted upon them while they are an infant, while they are say 15 years old, the running of time does not start until they maintain their majority, 18 years of age. They will then get three years from the age 18 until the age of 21 to bring their action. Similarly, if they were much younger, say two or three, none the less, time would be postponed until they came out of their disability.

Clause 33 deals with how you would deal with the extension that you get anyway, whether it is a latent defect if there is also a disability running at the same time.

Clause 34 deals with an important concept in the Law of Limitation. It deals with the effect of an acknowledgment or part-payment of a debt. Basically, the rule is that an acknowledgment of a debt, or indeed of a right of action to recover land, starts time running again. So if someone owes you money and you do not bring action to recover it and you are getting near the end of the limitation period, five years have passed or whatever, if he then, in writing, sends you a letter saying, "I acknowledge that I owe you the money. I am sorry, can I have time to pay it, or I will pay as soon as I am able", then the time stops running against the creditor and another six years runs from the date of that acknowledgment until the cause of action is statute barred.

Clause 35 provides that the acknowledgments that I was just referring to, have to be in writing to be effective for these purposes.

Clause 36 contains special rules for the effect of an acknowledgment or part-payment on other persons who may have interest in the cause of action.

Clause 37 is important. It deals with what happens where a cause of action is based upon fraud on the part of the defendant, or when any fact relating to the plaintiff's right of action has been deliberately and fraudulently concealed from him by the defendant, or where the cause of action is for relief from the consequences of a mistake. And most importantly, mistake, a genuine, bona fide, innocent mistake, may enable you to apply to set a contract aside for instance and to get relief from the consequences of a contract.

In those three circumstances the period of limitation does not

begin to run until the plaintiff has in fact discovered his cause of action, or when he could with reasonable diligence have discovered the fraud, the concealment, or the mistake, as the case may be.

That section goes on to set out rules that govern when someone is deemed to have discovered the fraud, concealment, or mistake and makes provisions that protect innocent third parties, the bona fide purchaser for value.

An "innocent third party" is then defined in subsection (4).

Section 38 allows for the shortened time limit in respect of actions for libel and slander. You will remember that we saw in clause 4(2) that that is three years, rather than the normal six years for tort. That that may be extended with the leave of the court, where all or any of the facts relevant to the cause of action were not known until the expiry of the shortened limitation period.

Clause 39 is an important provision. It provides that where it appears to the court that it would be equitable - for equitable one may just simply read fair - to allow an action to proceed, having regard to the degree to which the provisions relating to the limitation period for personal injury or fatal accidents, which is three years, might prejudice a plaintiff - and also having regard to the degree to which a decision to extend the period might prejudice a defendant - balancing those two interests, the defendant's and the plaintiff's, the court may, in personal injury accidents or in the case of deaths caused by personal injury, it may extend that three year time limit in its discretion. When considering whether to extend that time limit, the court has to have regard to all the circumstances of the case and in particular, to a list of particular factors. Those particular factors are set out in subsection (3) and they include the length of and the reasons for the delay, and so on.

So, though at first glance it might seem that the three year period for personal injury might in particular cases be rather short, there is this saving provision where the court, in extremis and for good cause shown, can extend that period to prevent an injustice. Madam Speaker, I have six sections to go so I think that I will be quite brief.

Part IV deals with miscellaneous and general matters. It begins with Clause 40 which deals with arbitrations and it says that in the case of an arbitration - that would be where an arbitration agreement applies - the time limits will be the same as they are for the cause of action if it had gone to court. In other words, they are the same time limits as those set out in this Law.

Clause 41 makes detailed provisions for new claims in pending actions. In other words, for how the time limits apply when new claims or new parties are added to actions that have already been started.

Clause 42 deals with the equitable jurisdiction of the court. It is a very legal concept that certain remedies that you may go to the court to ask for, are regarded as equitable rather than legal remedies. It may seem a fine distinction to laymen who consider all matters for courts as legal, but to the lawyer it is an honoured and ancient distinction. Nowadays the equitable remedies are largely specific performance of contracts, in other words ordering somebody to do what they have contracted to do and the claim for an injunction, in other words to prohibit somebody from doing something which is wrong.

The rules that apply to those actions are that the time limits do not strictly apply to them except insofar as those time limits have been traditionally applied by the court, by analogy. That in effect preserves the existing practice of the court in the case where someone comes to the court asking for those specifically equitable remedies. Equitable remedies may broadly be distinguished from legal remedies in that in an equitable remedy the court is ordering someone to do something, either perform a contract or not to do something on the one hand, and on the other where it is ordering it to pay damages, money, for the breach of a right.

Clause 43 says that this Law applies to the Crown.

Clause 44 makes savings. It says that the Law does not apply to actions that have already commenced.

Clause 45 makes consequential amendments to the Registered Land Law. Perhaps I might just note here and deal with at the Committee stage that there is a typographical error there and where it says, variously, "makes action to the Limitation Law, 1989" it should now be 1991. That is an indication of how long we have had this draft and the wrong date just crept through.

Finally, (and I get to this with a sigh of relief, Madam Speaker), clause 46 repeals the existing Limitation of Actions Law and that ancient Law of King James I, some 350 years old, insofar as it applies on the Island. We have used that slightly vague phraseology to make sure that we have swept away that old provision and substituted for it the new provision contained in this Law.

Madam Speaker, I know that that is complicated and heavy stuff, let me repeat my offer that if any Member is concerned about any particular provision, I will be happy to take whatever time he needs to attempt to explain the detail to his satisfaction. I am grateful to the House for listening to me.

Thank you, Madam Speaker.

MADAM SPEAKER:

Thank you.

I am wondering whether at this time we would have the suspension and Members can come back prepared to debate the Bill. The House is suspended for 15 minutes.

AT 3:24 P.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 3:58 P.M.

MADAM SPEAKER:

Please be seated. Proceedings are resumed.

Debate on the Second Reading of the Limitation Bill, 1991. The

Third Elected Member for George Town.

MR. TRUMAN M. BODDEN:

Madam Speaker, I support this Bill. The Honourable Attorney General has very clearly dealt with the different sections, in what is a very complex but very important Law. This is one of the several important pieces of legislation that have come to us and I must say that he has given us over ample time to look at it and also I know that the respective bodies of lawyers and bankers have had it for many months now, and it was circulated well in time.

It is perhaps unfortunate that the Bar Association, or the Law Society, or the Bankers Association did not give direct input into this, because it is one that is going to touch their lives day in and day out. The Bill replaces what has been accepted for many, many years, the Limitation Act, 1623, the old United Kingdom Limitation Act which was preserved in the Limitation of Actions Law which dealt only with some areas of the Law leaving the lawyer to go into a very archaic and difficult piece of 350 year legislation to deal with.

The Law follows substantially as the mover has mentioned the United Kingdom legislation. I have only extremely minor comments and some of these I will make during the Committee stage, where I feel that some of the time limits perhaps could be altered slightly and they would perhaps be more meaningful, fair and relevant. But those alterations are very few and I would rather deal with them during the Committee stage of this Bill.

The period of time, for example for the Crown, I believe while it has been considerably shortened it, has been cut in half by the mover, perhaps should be looked at because 30 years is one-third of a lifetime and perhaps the 60 years is about half of a lifetime these days.

I know that rights relating to foreshore are difficult to patrol and to deal with but the Island is small and these are one or two areas that could perhaps be looked at. Also the period of time in 15(1) of 15 years perhaps seems somewhat long.

The Law itself appears to me to have followed fairly closely with only some amendments, the English sections of their Limitation Law and this helps considerably because there will be some precedent, not very much, on the English Law that will give guidelines in interpreting this very new, but also very complex and very difficult law.

It is one really, that deals more with depriving a person of rights rather than gaining rights, even though the gaining of rights as under the Land Law through what is called "quiet possession", is one of the exceptions to this and from that point of view it therefore is very important.

It however, does give certainty to people in this life that after specific periods they know they must bring a claim and also people against whom it is being brought know that within a reasonable period, even though these periods, as the ones relating to land, can extend up to 12 years.

Most peoples' rights, I guess, will be affected with torts such as negligence, road cases, or contracts, or land, I think are the three large areas that the Limitation Law will affect. Luckily we have a very good system of Land Law here. We have a lot of certainty in it and it is one that has substantially reduced litigation and litigious problems that have been so prevalent in the past and have caused so many enemies I should say, within the Islands over land disputes.

In effect, most of this Law is really a repetition of the old Law in many areas and some of the few areas that the Attorney General has mentioned, very important areas such as the negligence actions to three years - but that has been that way in the United Kingdom now for some considerable time - and even though it may look a bit short, there is as was mentioned, certain powers to extend.

Madam Speaker, the Bill itself I have looked at over a period of time. I have had an opportunity of doing a comparative table to the English Law, or I was assisted in doing that by my Article Clerk and I have had another good look at it quite recently before coming in here. I should say that I am probably about as happy with it, subject to a few things that I will mention at the Committee stage which are details and not principles that should not be raised during this debate on the second reading and I will do so at that time - so I am happy to support it.

MADAM SPEAKER:

General like to reply?

If there is no further debate would the Honourable Attorney

HON. RICHARD W. GROUND:

Thank you, Madam Speaker.

I am grateful to the Member who spoke and for the support that he indicated and hope that I can take the silence from the other Members to indicate support. I would just like to pick up two points that the Member who did speak, made, if only to endorse them. The first is his comment on this giving certainty. That is precisely what it is intended to do and instead of the rather amorphous and confused state that the Law is now in, it is hoped that the new Law will give one document to which the lawyer or the laymen can go and certainly look it up and find out what the rules are which apply in one place. And if there any difficulty he can, where there have been decided cases in the UK courts, refer to them to expand or elucidate the legislation.

The second point that he made that I would just like to pick up on - again, I think that it is worth stressing, which is why I do it - that this Law, by and large, repeats the old Law either as the old Law was, but where the language was difficult or obscure, or because the principles that were there in the old Law had themselves become expanded by decision of the courts in the Common Law, and many of the detailed rules which are now embodied in the legislation are rules which would have applied before but were not spelt out anywhere, or which one had to go to the cases to find out.

This is particularly the case when one is dealing with the rules

that relate to the non-discovery of a cause of action by a party who does not know that he is injured and whether that postpones the running of the limitation period, or how it postpones the running of the limitation period were things that the Common Law had grappled with over the years and which had gradually filtered through into the UK legislation and which were then codified in the 1980 Act.

But we here, up until now, have been left with the case law without any legislative road map to it and so by consolidating that material and bringing it together into one document, the intention is not to be innovatory, or to embark on something which is new, but to set out in one accessible document the rules which were assumed, or deemed to apply and which had been applied. So we are not, in doing this, changing the system, we are codifying the system, we are spelling out what it is and the reason for doing that is certainty and for the benefit of access to the Law.

So I am grateful to be given the opportunity just to pick up on those two points and stress them. I will certainly happily talk with the Member on the points that he mentioned and hear what he has to say at the Committee stage. And with that, I am grateful to Members for what I say I hope is there support.

MADAM SPEAKER:
against No.

I shall put the question. Those in favour please say Aye...Those

AYES.

MADAM SPEAKER:

The Ayes have it.

AGREED: THE LIMITATION BILL, 1991, GIVEN A SECOND READING.

THE NATIONAL PENSIONS BILL, 1990

CLERK: THE NATIONAL PENSIONS BILL, 1990

HON. D. EZZARD MILLER: Madam Speaker, I beg to move the second reading of a Bill entitled A Bill For A Law To Make Provisions For A System Providing Pecuniary Payments By Way Of Retirement Pensions And Other Benefits To Persons Entitled Thereto Under The Law And For Other Matters Related Thereto Or Connected Therewith.

In moving the second reading of this Bill which I shall refer to in my debate as the National Pension Bill - Short Title, in order to distinguish it from the Bill which has already passed its second reading which dealt with the Civil Service pensions.

I would like to make it quite clear at the onset of this debate that I intend to move a motion at the end of the second reading debate which will send this Bill and the four sets of Draft Regulations, which have been circulated with the Bill, to a Select Committee of the whole House under the Chairmanship of the Speaker and to invite the Committee itself to decide to open itself up to the public and to hear representations, or witnesses, either from individuals or organisations, so as to make any improvements whatsoever, that Members of this House in listening to the representation, may find it necessary in order to make this Bill the best possible Pension Bill and so that the public whom we are endeavouring to provide a pension for, will have the best possible pension plan.

Now the idea of pension legislation at a national level has been around for quite some time. This Bill which is presently before the House is a product of several years of consultations with the public, with special interest groups, with concerned organisations, and with various technical and professional individuals and organisations.

To date two Draft Discussion Bills have been printed and circulated for public input and representations have been accepted and solicited and all of the concerns expressed by the public, the special interest groups, and the concerned organisations have been incorporated wherever technically possible and where it met with the overall objective of the Bill; and that was to provide a minimum standard of pensions for every working Caymanian.

It includes the infamous, or famous - which ever way you tend to look at it - opting-out provisions that were so widely demanded by certain special interest groups. It provides for every working person in the country. Anyone who works for more than eight hours per week can subscribe to this plan, if they so wish. Or, they can subscribe to another plan which has qualified to opt-out and met the safeguard and pensioner provisions of this Bill.

I guess in its simplest form it can be said that the Bill before the House deals with four main areas of pensions. It sets minimum standards for pensions and these are: that every person will have a specified pension which has been earned and purchased by him, either as a joint effort between him and his employer, or in the case of self-employed they will pay the whole 8 per cent, from the time he retires until death; it provides for a survivors pension both for spouse and children; it provides a death grant; it provides disability benefits and they are, in a nutshell, the requirements for a minimum pension plan which could opt-out under this plan.

The Bill establishes certain safeguards such as biannual actuarial reviews with a section in it on investment, where an investment committee is established and where regulations will carry other detailed instructions developed by this investment committee; it details the handling of the accounts which must be done and published annually. They must be audited and that auditing must be published, as well as a list of the investments portfolio that the funds are invested in.

The third thing that this Bill does is that it establishes the methods of contribution. The Bill establishes a method where all the employees pay 4 per cent and the employers match that with another 4 per cent. The self-employed will pay the whole 8 per cent on whatever they declare as their income. The calculation of the benefit side of it for the employee is based on the average of the last three years; for the self-employed it is over a ten year period, so that they cannot contribute on a minimum declared earning and then for the last three or four years increase it drastically and collect a big pension.

The fourth thing that this legislation seeks to do is that it establishes a national pension fund which is managed by a Board of Directors. The reason why it establishes a national pension fund is to allow every citizen to be able to comply with the Law. We believe, as a Government, that that is an absolutely essential component of the legislation. This pension fund has been actuarially calculated so that 8 per cent of one's salary can earn one a reasonable pension. The Fund will be as fully funded as possible to make a defined benefits plan.

The reason why we have adopted a defined benefits plan is because we are interested in ensuring that the person has a defined, a calculated, a specified benefit from the date of retirement to death. And that even his survivors, whether children and/or spouse will also continue to receive some benefit. We think that is absolutely essential as differing from the defined contribution-type plan where people can usually take a large sum at the time of retirement and spend it as they see fit and then turn up as a ward of Social Services for some kind of maintenance payment.

Now the Bill accomplishes this through seven sections. The first section simply deals with the interpretation clause, as is standard with any type of legislation.

Part II provides provision for the Administration and Financing of the Fund which is established by clause 3.

Clause 4 seeks to establish the National Pension Board which shall have control of the fund and its administration.

Clause 5 seeks to enable the Board to appoint committees of the Board.

Members and co-opted members.

Clauses 7 and 9 seek to enable the Governor to appoint a Director and Deputy Director respectively, the former with responsibility for staff administration and management of the Fund.

Clause 8 seeks to empower the Director to delegate his function to an officer or employee of the Board.

Clauses 10 and 11 deal with staff matters. Clause 12 seeks to enable the Board to designate inspectors premises whereon insured persons are. The Law here, when we are speaking of "insured persons" deals with those people who are earning and contributing to a pension.

Clause 13 seeks to establish an Investment Committee which may give directions relating to the investment of moneys in the Fund.

And Clauses 15, 16 and 17 seek respectively to deal with temporary insufficiencies of assets of the Fund, accounts and audit of the Fund and review by the Board of the operations of the Law. And in clause 15 the Government guarantees short-term insufficiencies in the Fund.

Part III seeks comprehensively to define insured persons and to make provision for persons employed on boats and aircraft, either to exempt them or allow Caymanians working in these and other Territories to contribute to the Plan.

Part IV, comprising clauses 20-23, seeks to make provisions for payment of contributions, the liability of employers to contribute to the Fund and the making of regulations relating to the payment of contributions and other matters relating to contributions.

Part V consists of clauses 24-28 and seeks to make provision for the kinds of benefits available under the Fund, how and when claims are to be made, repayment of benefits in certain circumstances, the inalienability of benefits, and the making of Regulations relating to the rates of benefits to be payable to beneficiaries of the Fund, for disqualifying a person for the receipt of a benefit in certain cases, the time and manner of payment of a benefit, suspension of payments of benefit and a number of other matters properly to be dealt with by the Regulation. And the benefits that we are talking about here in this section relates to the pension that the person would have earned through his contributions and the length of time for which he has contributed.

Part VI seeks to deal with offences, Legal Proceedings, Adjudication of claims and appeal. Clause 29 sets out certain offences, for example failing to pay contribution, wrongful deduction by an employer and making false statements, and sets out the punishment for those offences.

Clause 30 seeks to provide for the recovery of contributions in cases of conviction under clause 29.

Clause 31 seeks to provide for the consent of the Board being given before institution of a prosecution for offences under the provisions of the Bill.

Clause 32 seeks to provide for the recovery through the medium of Civil Proceedings of all sums of money due to the Fund.

Clause 33 seeks to enable the Director to pay a benefit where an employer has failed to do so, and to recover from the employer in question by civil proceeding the benefits paid.

Clause 34 seeks to prescribe the conditions under which the proceeds of sale of property may take place.

Clause 35 seeks to protect the rights of spouses of insured persons to benefit in cases of such spouse being an employed person or self-employed.

Clause 36 seeks to enable, by Regulation, the adjudication of any question relating to a benefit, and sets out the various circumstances for which the Regulations may provide.

Part VII deals with miscellaneous matters.

Clause 37 seeks to embrace within the provision of the Bill the employees of the Crown, but saving the rights of such employees under any existing Law for the payment of pensions.

Clause 38 exempts the payment of Stamp Duty.

Clause 39 seeks to enable the Governor to modify or adapt the provisions of the Bill to cases of reciprocity with other jurisdictions.

Clause 40 seeks to save private pension schemes.

Clause 41 seeks to exempt from the provisions of the Bill, persons who are insured under a policy approved by the Governor, and that is the famous opting-out section of the Bill.

Clause 42 seeks to enable the Governor to make Regulations for purposes required by the Bill.

Clause 43 seeks to apply the Affirmative Resolution procedure.

And Clause 44 seeks to enable the Governor to set a date of

commencement of the Law.

From those brief comments about the various sections of the Bill, it can be seen that the Bill is fairly comprehensive and has tried to cover all of the bases that need to be covered in providing this pension legislation.

Now I mentioned earlier that there are four sets of Regulations which have been circulated and referred to the Select Committee for their review. These are in draft form because the Regulations cannot be made by Executive Council until the legislation is passed. But these are the Regulations which we would intend to submit to Executive Council for their approval and the ones that need the Affirmative Resolution to lay them on the table of Parliament. The Member moving it would have to move that that set of Regulations be approved by Parliament before it would be Law.

These Regulations deal with four areas of the Bill: The National Pensions Benefit Regulations; the National Pensions Finance and Accounting Regulations; The National Pensions Decisions and Appeal Regulations; The National Pensions Contributions Regulations.

I am comfortable that this Bill is a good one, and I commend the Bill and Regulations to the Honourable Members of this House and ask for their support during the second reading debate.

Thank you.

MADAM SPEAKER:

Second Reading. It is now 4.30 pm.

The question is that The National Pensions Bill be given a

**MOMENT OF INTERRUPTION - 4:30 P.M.
STANDING ORDER 10(2)**

ADJOURNMENT

HON. THOMAS C. JEFFERSON:

House until 10 o'clock tomorrow morning.

Madam Speaker, I move the adjournment of this Honourable

MADAM SPEAKER:

The question is that this Honourable House do now adjourn until 10 o'clock tomorrow morning. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM SPEAKER:

tomorrow morning at 10 o'clock.

The Ayes have it. The House is accordingly adjourned until

AT 4:30 PM THE HOUSE STOOD ADJOURNED UNTIL 10:00 AM THURSDAY, 20TH JUNE, 1991.

**THURSDAY
20TH JUNE 1991
10:04 A.M.**

MADAM SPEAKER:

Prayers by the First Elected Member for Bodden Town.

PRAYERS

MR. ROY BODDEN:

Let us Pray.

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

Bless our Sovereign Lady Queen Elizabeth II, 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 Speaker of the Legislative Assembly, 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.

Let us say the Lord's prayer together: Our Father who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done 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.

MADAM SPEAKER:

Please be seated.

Proceedings are resumed. Questions to Honourable members.

Question No. 86 is standing in the name of the First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS

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

NO. 86: Would the Honourable Member say what new posts were introduced into the Civil Service over the past 5 years; what percentage of growth do these posts represent; and how many such posts are filled by Caymanians?

**QUESTION NO. 86 DEFERRED
STANDING ORDER 23(5)**

HON. J. LEMUEL HURLSTON:

Madam Speaker, I have to beg permission of the House to defer the answering of that question as I do not have the answer ready as yet.

MADAM SPEAKER:

Question No. 87, the First Elected Member for Bodden Town.

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

NO. 87: Can the Honourable Member provide - (a) a list of all non-Caymanians holding taxi licences in these Islands; and (b) information regarding date of issuance of each licence in the Cayman Islands, together with the holder's years of driving experience?

**QUESTION NO. 87 DEFERRED
STANDING ORDER 23(5)**

HON. J. LEMUEL HURLSTON:

Madam Speaker, I similarly have to beg the House's permission to defer answering that question.

MADAM SPEAKER:

Question No. 88, the First Elected Member for Bodden Town.

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

NO. 88: Would the Honourable Member say what are the qualifications and experience necessary for a Mosquito Research and Control Unit pilot?

ANSWER: The qualifications and experience necessary for a Mosquito Research and Control Unit (MRCU) pilot are a commercial licence approved by the Civil Aviation Authority, a minimum of 1,000 hours aerial spraying work on crop, livestock or medical pests, and type ratings on MRCU aircraft. In addition, knowledge of insect pests, agricultural chemicals and output calculations and spray equipment are essential.

Due to the hazardous nature of low level night flying it has been MRCU's policy to recruit pilots with maximum qualifications and experience in order to safeguard the public. The most recently recruited MRCU pilot, for example, has 8,000 hours aerial spraying experience, plus a diploma in agriculture.

SUPPLEMENTARIES

MADAM SPEAKER: The First Elected Member for Bodden Town, supplementary.

MR. ROY BODDEN: I wonder if the Honourable Member could say if when these posts have been advertised have there been any Caymanian applicants?

HON. J. LEMUEL HURLSTON: Madam Speaker, I am going from memory but I believe there have been expressions of interest if not actual applications.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member can say if any consideration is being given to training Caymanian applicants or seeking suitable qualified Caymanians to train for such a position?

HON. J. LEMUEL HURLSTON: Indeed, Madam Speaker, and I understand that the requirements for a trainee for this post is as follows:- a person recruited as a trainee MRCU pilot would be expected to have an ICAO Standard Pilots Licence and at least 700 hours flying experience. He would then be required to undergo a minimum of 12 months training overseas and to satisfy the Civil Aviation and the insurers that he could carry out the work safely. Due to the hazardous nature, a post of trainee pilot was requested but not yet approved due to budgetary constraints.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member say what is the relationship between a pilot flying an aircraft and having qualifications in agriculture, in this particular case?

HON. J. LEMUEL HURLSTON: Madam Speaker, I believe the relationship comes about from the knowledge of chemicals and the knowledge of identification of livestock, crops, pests, etcetera.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, I would like to ask the Honourable Member if it is not the case that specialists within the MRCU see to the mixing of poisons and chemicals and that that is a specialised job and the job of the pilot then would be specifically that of flying the aircraft?

HON. J. LEMUEL HURLSTON: Agreed, Madam Speaker.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I would like to ask the Honourable Member to whom or where these applications for MRCU pilot are made and how are the applications then processed?

HON. J. LEMUEL HURLSTON: Madam Speaker, applications for such posts are dealt with as in the case of general vacancies in the Public Service. The positions are advertised and applications are addressed to the Secretary of the Public Service Commission. They are then forwarded to the Head of the Department, who prepares a short list of candidates for interview and the process goes on thereafter.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member say in reference to his agreement that if the mixing of the chemicals, the knowledge of the chemicals and the flying of the aircraft are separate, why then does the Department include the two as requirements for a suitable and qualified pilot?

HON. J. LEMUEL HURLSTON: Because the Department at times may call upon the pilot to engage in some of those duties themselves, in addition to flying.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: So is the Member then saying that the Government attempts, in this particular instance, to recruit a person who, in effect, is doing, at least at some times, two specialised jobs?

HON. J. LEMUEL HURLSTON: No, Madam Speaker. I prefer to say that the Department is keen on recruiting persons who are versatile and capable of performing additional duties to complement those of the primary task.

MADAM SPEAKER: We will proceed to question No. 89, standing in the name of the First Elected Member for Bodden Town.

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

NO. 89: Can the Honourable Member say what is the policy regarding appointments to statutory bodies where constituency representatives on such boards would be a convenience?

ANSWER: In most cases the legislation which establishes statutory bodies makes provisions for how and by whom such bodies are to be managed. Each responsible Portfolio recommends and, where required, the Executive Council advises on appointments.

It is normally a matter for each Portfolio, in making recommendations, to assess where constituency representation is deemed desirable.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries, the First Elected Member for Bodden Town.

MR. ROY BODDEN: I would like to ask the Honourable Member if the appointment of constituency representatives then, is largely left to the discretion of the Executive Council Members?

HON. J. LEMUEL HURLSTON: Madam Speaker, it is left largely to the various Portfolios in Government and at present four of those Portfolios are headed by Elected Members of Executive Council. Three Portfolios are headed by Official Members.

MADAM SPEAKER: Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would it be correct to say that in instances where boards are stacked with political supporters of the political Heads of the Portfolios, it is those Heads of Portfolios who have chosen them?

HON. J. LEMUEL HURLSTON: It is on the recommendation of the Portfolio that Executive Council advises.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Can the Honourable Member say if there are any close relatives of the Members of Executive Council on any of the major boards?

HON. J. LEMUEL HURLSTON: In a small community such as ours, it is impossible to establish statutory boards, corporations and committees without having some relative of someone appointed thereon.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Can the Honourable Member say if on the Central Planning Authority, which involves construction around the entire Island, there are members or at least one member from each Electoral District so that the Board can have some local knowledge of the conditions that exist? And if there is not one member from each Electoral District, can he say how many of the Districts are now represented on the Board?

HON. J. LEMUEL HURLSTON: That information is available from published documents. I do not have the list of Boards and Committees with me, but there is a list of Boards and Committees published in a consolidated fashion, in addition, of course, the appointments are gazetted. If the Member wishes to put that down as a substantive question that could be addressed, but I do not have the answer at the moment.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I would like to ask the Honourable Member in cases where decisions are made to the exclusion of some district representatives, for example on the Caymanian Protection Board or the Central Planning Authority, or in cases where appointments are made purely on a political basis, how are we guaranteed that decisions taken are treated on the merit of the individual decision and not on the political exigencies of the persons making the appointment?

HON. J. LEMUEL HURLSTON: The body responsible for making the appointments has to satisfy itself as to the suitability and integrity of the individuals whom it is recommending for appointment. So, if it is the Executive Council making the appointment, it is the Executive Council that has to be satisfied as to the ability of the membership to carry out and fulfil, in an honourable fashion, the duties for which the appointments are being made.

MADAM SPEAKER: The First Elected Member for Cayman Brac and Little Cayman.

CAPT. MABRY S. KIRKCONNELL: I wonder if the Honourable Member could say how long this policy has been in operation for the selection of Statutory Board members?

HON. J. LEMUEL HURLSTON: No, Madam Speaker, I do not know for how long, but it has been around for a long time.

MADAM SPEAKER: Question No. 90, standing in the name of the First Elected Member for West Bay.

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

NO. 90: Could the Honourable Member say whether the laundry consultants for the George Town Hospital have completed their study and, if so, when will it be made available to Members of this Honourable House?

ANSWER: No consultants were engaged to conduct a study for the laundry at George Town Hospital.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementary. The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Can the Member say whether he requested funds for such a consultancy?

HON. D. EZZARD MILLER: The answer is no.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member say whether this is the first time that he would have dealt with a matter without having consultants?

HON. D. EZZARD MILLER: No, Madam Speaker. My knowledge is fairly wide, unlike that Member's, in the matters of which I am responsible.

MADAM SPEAKER: Question No. 91, standing in the name of the First Elected for West Bay.

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

NO. 91: Can the Honourable Member say what percentage of people attending the Government Hospital get free medical attention?

ANSWER: During the first three months of this year, 59.9 per cent of people attending George Town Hospital received free medical attention.

SUPPLEMENTARIES

MADAM SPEAKER: If there are no supplementaries, we will pass to question...

MR. G. HAIG BODDEN: I was just waiting to get the answer. But I would like to ask the Member, as the answer appears to be that a very high percentage is receiving free medical aid, has this happened since the large increase in fees? In other words, has the percentage gone up because the fees have been increased and the people using it now are Civil Servants and indigent people that get free care?

HON. D. EZZARD MILLER: No, Madam Speaker, this is not as a result of the increase in hospital fees. One must realise that this 59 per cent includes all Civil Servants and their dependents, all children on the Island who are entitled under the Law to free out-patient treatment and all indigent people who are certified by the Social Services Department to receive free medical care. There has been no unusual increase in the number of free medical cards in the last two years.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Can the Honourable Member say how this percentage compares to 1990 and 1989?

HON. D. EZZARD MILLER: I do not have the exact figures here, Madam Speaker, but I would undertake to supply them in writing. My guess would be that it would be about the same.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Honourable Member say if any thought has been given to creating a situation whereby there is a scheme to provide funds or some type of insurance, whereby the costs of these services can be paid so that there is not such a large percentage of people receiving free medical attention?

HON. D. EZZARD MILLER: Yes, Madam Speaker, that specific matter is being addressed under the National Health Insurance Proposal and for all intents and purposes, Government would pay the insurance premium for the indigent, their employees and their dependents.

MADAM SPEAKER: Question No. 92, standing in the name of the Third Elected Member for George Town.

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

NO. 92: Would the Honourable Member say what is the status of the new Courts Building or extension to the Courts Building and how has this status changed over the last eighteen months?

ANSWER: The 1976 proposal by the consultant architects to extend the Law Court building was reviewed by the Chief Justice and the Public Works Department in February 1990. As a result of that review, the Chief Justice prepared an updated brief in July 1990 for comparison with the original proposal. The brief illustrated that the original design was inappropriate.

In September 1990, the Public Works Department prepared a design feasibility report which included development costs of the Law Court extension and alternative siting recommendations. The Chief Justice commented on the report in November 1990. Comments from the Attorney General and Solicitor General were received in February 1991 and May 1991 respectively.

The Portfolio is currently analysing these comments after which the project will be submitted to the Public Sector Investment Committee.

SUPPLEMENTARIES

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Honourable Member say when he expects to start a building for the Courts?

HON. LINFORD A. PIERSON: This will depend on the report we receive from the Public Sector Investment Committee.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Does the Honourable Member accept that he has to produce a building or find more space for the cramped Courts quarters in the building at present?

HON. LINFORD A. PIERSON: This was precisely the reason why input was received from the Chief Justice, the Attorney General, and the Solicitor General. They will give an indication as to their needs. But as I mentioned in my substantive answer to the question, the Public Sector Investment Committee will be analysing these comments that we have received and will be giving us their report in due course.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: From the answer given by the Member it appears that there could be considerable time spent in arriving at a decision, to say nothing of actual work on this building. Is there not any urgency in producing expanded physical area for the Courts since this Member has heard that there is serious need for space in the Courts of Law which could be affecting the due process of things?

HON. LINFORD A. PIERSON: The whole question of the extension of the Courts Office is one that we have involved the Chief Justice in. As a matter of fact, a research committee made up of the Chief Justice, the Director of Prisons, the Commissioner of Police, the Government Statistician and the Clerk of the Courts was formed to give us their opinion. Compared with the report that we received in 1976, the space that is now being required is some 170 per cent more than that report recommended. That report was recommending an additional square footage of some 6,850 square feet. We are now looking at 18,425 square feet that will be required to accommodate the various offices at a cost of some \$4.3 million dollars.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: I am not the least bit surprised about the \$4 million-odd cost. I would have thought that it would be more in the area of \$10 million. But the point that I am making is not questioning the amount of space, but what I was trying to ascertain is if the Member is giving priority to provide these facilities for the Court since that is such an essential Department in the country and in the Government?

HON. LINFORD A. PIERSON: I thought I had made that abundantly clear that this matter is being given priority, but as I mentioned earlier, we would not ever try to proceed with this without getting expert advice. In the interim, however, we are attempting to expand the present facilities by some 1,000 square feet. But it must be understood this can only be regarded as a very temporary measure and we are looking more at the long-term solution to this problem.

MADAM SPEAKER: Question No. 93, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 93: Would the Honourable Member say what is the process by which persons are selected for awards and honours?

ANSWER: Any person may submit to the Governor his or her proposal for an honour in respect of any other person at any time. The Governor then seeks advice on such proposals. In regard to honours, except for the Queen's Certificate and Badge of Honour, he submits names twice each year to the Secretary of State for Foreign and Commonwealth Affairs. The Secretary of State submits his list (which includes all Commonwealth and Dependent Territories) to the Palace, for the consideration of Her Majesty the Queen.

In regard to the Queen's Certificate and Badge of Honour, the Governor also seeks advice before coming to decisions in the terms of Her Majesty's authorisation for these awards.

SUPPLEMENTARIES

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: I have heard from various persons over the years that they have submitted names of persons whom they believed were persons fit and due an honour. I would like to ask the Honourable Member if indeed such requests or recommendations are received in these instances, the present and in the future, if they are recorded in any type of register for future reference where in any given year some might be considered and others may not?

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker, I can assure the House that proper records are maintained of all recommendations that have been submitted. Those that have not been successful are occasionally re-submitted for consideration in accordance with the approved guideline.

- MADAM SPEAKER:** The Third Elected Member for West Bay.
- MR. JOHN D. JEFFERSON, JR.:** In the answer provided by the Member, he mentioned that the Governor then seeks advice on such proposals. Who does the Governor consult?
- HON. J. LEMUEL HURLSTON:** His Excellency will consult anyone whom he chooses to consult in respect of any proposal. As a general rule he will consult those persons who have the ability of vouching and verifying the accuracy of the particular recommendation. He does not have any particular pattern for obtaining such advice or consultation. He will choose whomever he deems appropriate to advise him.
- MADAM SPEAKER:** The Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** Would the Honourable Member say when and how often have sitting Elected Members of Executive Council received the Queen's Honours?
- HON. J. LEMUEL HURLSTON:** I do not understand the question.
- MR. TRUMAN M. BODDEN:** Is it usual for sitting Elected Members of Executive Council to be given Honours or is this a recent thing?
- HON. J. LEMUEL HURLSTON:** Anyone who merits an Honour gets one, whether they are in Executive Council or in any part of the community.
- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Would the Honourable Member say if in the process of consultation, the Governor consults Executive Council?
- HON. J. LEMUEL HURLSTON:** No, Madam Speaker.
- MADAM SPEAKER:** Question No. 94, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 94: Would the Honourable Member say what is the present status of the two Spanish speaking prisoners who were convicted of murder, sentenced to death and subsequently pardoned by His Excellency the Governor?

ANSWER: Rosman D. Morel of Honduras and Victor Sabaz of Nicaragua were convicted of the offence of murder by the Grand Court on 12 April, 1984, and sentenced to death in accordance with section 22 of the Penal Code. The conviction and sentence were upheld by the Court of Appeal, and the sentences of death were, in December 1984, commuted to life imprisonment by His Excellency the Governor under the authority of section 53 of the Constitution, and in accordance with clause 13 of the Royal Instructions.

Rosman Morel, on 25 January, 1991, was transferred into custody of the prison authority in Honduras, pursuant to the Repatriation of Prisoners Act as extended to the Cayman Islands. There he will serve his sentence in accordance with the laws of Honduras.

Victor Sabaz remains in custody in Grand Cayman.

SUPPLEMENTARIES

- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Could the Honourable Member say if there is any legal arrangement between the Cayman Islands and the country of Honduras, whereby the part of the unfinished sentence, if such did exist, would be carried out in Honduras?
- HON. J. LEMUEL HURLSTON:** The agreement between the two Governments was that once the transfer took place, the prisoner would serve the term of imprisonment in accordance with the laws of the country receiving him. In this particular instance, he will serve the sentence in accordance with the laws of Honduras. Those laws may change from time to time, according to the wishes of the Honduran Government.
- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little

Cayman.

MR. GILBERT A. McLEAN: Would the Honourable Member say if any consideration is being given to a similar arrangement for the prisoner from Nicaragua?

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker. A similar arrangement is currently being considered.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: In the light of the pardon given by the Governor to these two convicted persons, is similar consideration being given by the Government, or the Governor to the situation existing with the four convicted murderers at Northward Prison?

HON. J. LEMUEL HURLSTON: The effect of what has happened in these two instances was not to grant a pardon, but His Excellency the Governor commuted the sentence of death to that of a sentence of life imprisonment. That was a commutation and not a pardon. I think there has to be that distinction. The term is life imprisonment.

MADAM SPEAKER: Question No. 95, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 95: Would the Honourable Member say what was the total cost of the second floor addition to the building housing Radio Cayman and what use is to be made of the structure?

ANSWER: The estimated cost of the project when completed is \$430,000. The cost includes the alteration to the ground floor which will initially accommodate an enlarged modern music library and sales office.

The top floor will accommodate two small offices, accounts and secretary's office, expanded news room facilities, storage library for tapes and resource materials, and space for audio-visual studio expansion.

SUPPLEMENTARIES

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Honourable Member say if provision is also made in this space for the setting-up of a television studio?

HON. J. LEMUEL HURLSTON: No, Madam Speaker.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Honourable Member say if any consideration has been given to leasing or renting space on this second floor to Cayman Islands Television, Mr. Desmond Seales?

HON. J. LEMUEL HURLSTON: No, Madam Speaker.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Is there any other rental contemplated in relation to this or surrounding structures for his television?

HON. J. LEMUEL HURLSTON: No, Madam Speaker. The answer provided states that there is some space for audio-visual studio expansion. I believe that that is the area that is motivating the questions. Included in the expansion is a studio which has been designed in such a way as to have the capability of facilitating under-the-floor cables, in the event that at some future time there may be the need, or the desire, to use that facility for any type of audio-visual development work which might include some form of television recording in the future. Provision has been made in the design of the structure so as not to have to redesign the building if such a facility were to be contemplated in the future.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Honourable Member say if Government at this time is considering developing such facilities as television production on its own, for broadcasting any special programmes, or otherwise, in the country?

HON. J. LEMUEL HURLSTON: No, Madam Speaker.

MADAM SPEAKER: Question No. 96, standing in the name of the Second Elected Member of Cayman Brac and Little Cayman.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 96: Could the Honourable Member say what will be the average length of time spent in jail for a sentence of life imprisonment under the prison system of the Cayman Islands taking into account parole eligibility and remission calculations?

ANSWER: A sentence of life imprisonment means a term of imprisonment for the natural life of the convict. The matter of remission or parole does not, therefore, arise.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementary, the Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: It is my understanding that in the United Kingdom there is in place considerations of parole and remission for persons who are convicted of murder and sentenced to life imprisonment. If we follow the rules, or our situation is similar to that of the United Kingdom, how is it that it does not apply here?

HON. J. LEMUEL HURLSTON: I am sure that question could be more effectively fielded by my colleague the Second Official Member. My understanding is that our legislation is domestic legislation and that we are not operating here under United Kingdom legislation extended to our country. Inasmuch as we have our own domestic legislation governing imprisonment, that is where the term is provided for, and it is in accordance with the legislative wish that that provision is there.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Honourable Member say whether the statement made by the United Kingdom Government in abolishing the death penalty for murder and retaining it naturally for treason, was it not that it was to bring Cayman Islands' legislation in line with United Kingdom's legislation?

HON. J. LEMUEL HURLSTON: The Order in Council which had the effect of abolishing the death penalty in Dependent Territories is a matter that was within the rightful jurisdiction of the United Kingdom to implement and to extend it, as it did, by the Order to its Dependent Territories. The United Kingdom Government could also do similarly in respect of the term of life imprisonment if the United Kingdom Government wished to do so. At the moment it has not indicated any desire or wish to do so and so the matter remains in the realm of domestic legislation.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: I would just like to be absolutely clear on this. The United Kingdom has brought the death penalty down to life imprisonment; but our life imprisonment means that a person remains in prison for life, whereas in the United Kingdom the average period of time that one gets out is after eleven years. There is no indication that the United Kingdom wants to bring life in line with their eleven-year life period?

HON. J. LEMUEL HURLSTON: No, Madam Speaker, there has been no such indication.

MADAM SPEAKER: We shall proceed to the next question No. 97, standing in the name of the Third Elected Member for West Bay.

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

NO. 97: Would the Honourable Member please advise on the status of plans to build the visitor's pavilion at Northward Prison?

ANSWER: Final plans and drawings have been approved and construction was scheduled to commence during 1991. However, a new priority has recently been proposed to provide more cellular accommodation for male inmates. The visitors' facilities project will consequently have to be

postponed.

SUPPLEMENTARIES

- MADAM SPEAKER:** The Third Elected Member for West Bay.
- MR. JOHN D. JEFFERSON, JR.:** I wonder if the Member can confirm that since it has been necessary to postpone this, because of priority of cells, this matter will be put forward in the next Budget for consideration?
- HON. J. LEMUEL HURLSTON:** Most definitely, Madam Speaker.
- MADAM SPEAKER:** The Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** Is the adjournment of building this because of a shortage of funds, or what is the reason beyond what you said?
- HON. J. LEMUEL HURLSTON:** Apart from the financial and budgetary constraints, there is an operational and security factor that we cannot accommodate the two large projects running simultaneously. If we are building male cell accommodation, we cannot at the same time, for security reasons, be building a new administration and visitors' block.
- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Could the Member confirm that the Government is doing the correct thing at this time? The Backbenchers proposed using the money that was set for the building of the pavilion, or a part thereof, to extend male cells. Are they now doing the correct thing?
- HON. J. LEMUEL HURLSTON:** Madam Speaker, I do not have the same recollection that the Member is referring to.
- MR. GILBERT A. McLEAN:** Madam Speaker, I am referring to the motions which were put by the Backbench to change certain monies to build male cells which was voted down by the Government. Have they now taken the money which was set for the pavilion, or some part of it, to do these particular cells for male inmates as was recommended by the Prison Director?
- HON. J. LEMUEL HURLSTON:** Madam Speaker, my recollection was that at the time the Budget was proposed last November by the Government the priority at that time was clearly for the visitors' block and administration building because that had been a carried forward project from the year before. However, at that time, the acute requirement for additional male cell accommodation facilities was not so obvious nor was it anticipated. The male prison population, Madam Speaker, has increased by 31 per cent since the beginning of January 1991 alone. That sudden increase in the male population is what has prompted the change of priority.
- MADAM SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** I would like to ask the Honourable Member if the delay or the postponement of the building of this visitors' block does not in itself constitute a security threat as the present situation is far from being ideal?
- HON. J. LEMUEL HURLSTON:** Madam Speaker, I know that the situation is currently far from being ideal and that is the reason why a very high priority has been afforded to the project. There is, however, no reason to be concerned in terms of any breach or potential breach in security in the current facility. It is considered adequate.
- MADAM SPEAKER:** The Third Elected Member for West Bay.
- MR. JOHN D. JEFFERSON, JR.:** I wonder if, for the benefit of the Members of this House and the listening public, the Member could advise what was the proposed or estimated cost of construction of the visitors' pavilion at Northward Prison?
- HON. J. LEMUEL HURLSTON:** Madam Speaker, I am going from memory so I hope that the House will be guided by that. My recollection is that the entire visitors' and administration building complex project was estimated in the region of \$700,000.
- MADAM SPEAKER:** That concludes Question Time.
The next item, Statement by Members of the Government, statement by the Honourable Elected Member responsible for Tourism, Aviation and Trade.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

PRIVATE MEMBERS MOTION NO. 12/88 - APPRENTICESHIP SCHEME

HON. W. NORMAN BODDEN: In February 1990, a statement was issued in this Honourable House in respect of Private Member's Motion No. 12/88 on an Apprenticeship Scheme. At the end of the statement I indicated that I would keep Honourable Members informed of any progress in this matter.

As Honourable Members are aware, Government took the position to await the outcome of the Manpower Demand Survey before giving consideration to the formulation of such a scheme. The Manpower Demand Survey was completed recently and is to be tabled in this Honourable House during this Session. The Survey has taken into consideration the overall aspects of training of staff, including an apprenticeship system of training.

Government has accepted the recommendation contained in the Survey that a special task force on training be established with terms of reference as recommended, which include advice to the Government on general policies related to training, especially those related to technical and vocational education and training. Special consideration will be given to an apprenticeship system of training.

MADAM SPEAKER: The statement has been noted.
The next statement is by the Honourable Third Official Member.

PRIVATE MEMBER'S MOTION NO. 26/90 MORATORIUM ON CERTAIN CATEGORIES OF LIQUOR LICENCES

HON. J. LEMUEL HURLSTON: Madam Speaker, this statement is on the subject of a moratorium on certain categories of Liquor Licences.

Private Member's Motion No. 26/90 passed by the Legislative Assembly in November 1990, called upon the Government to consider a possible moratorium for a period of three years on certain classes of Liquor Licences. The matter was considered and public opinion and input sought. This was done in the form of a press release inviting public comments on the matter. Based on the representations and responses received, the Government has reviewed the matter and concluded that in the circumstances a moratorium would appear inappropriate at the present time.

The exclusion from the moratorium of new hotels and restaurants would severely limit any effectiveness. The case generally in favour of a moratorium would not fulfill certain other expectations, in any event. The Government is confident that the current method of regulating the granting of licences under the law is appropriate and satisfactory.

MADAM SPEAKER: The statement has been noted.
I will suspend proceedings for fifteen minutes.

AT 11:06 A.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 11:28 A.M.

MADAM SPEAKER: Please be seated. Proceedings are resumed.
Other Business, Private Members' Motions. Private Member's Motion No. 8/91, Abolition of Capital Punishment.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 8/91 ABOLITION OF CAPITAL PUNISHMENT

MR. W. McKEEVA BUSH: Madam Speaker, I beg to move Private Member's Motion No. 8/91 standing in my name, which reads:

"WHEREAS by means of an Order in Council made on the 16th day of April, 1991, and made effective the 10th day of May, 1991, Her Majesty's Government in the United Kingdom ordered that, notwithstanding the provisions of any other Law in force in the territory, no person shall be sentenced to death by any Court in the territory for the crime of murder, and a person convicted of murder shall be sentenced to imprisonment for life;

AND WHEREAS in the said Order in Council the expression "the territory" means (inter alia) the Cayman Islands;

AND WHEREAS it is the opinion of this Honourable House that a majority of the people in the Cayman Islands, and also a majority of the Elected Members of this Honourable House are, and at all material times were, opposed to the abolition of the sentence of death for the crime of murder;

AND WHEREAS it is the opinion of this Honourable House that there was not adequate consultation by, or on behalf of the Government of the United Kingdom with either the people of the Cayman Islands or the Elected Members of this Honourable House prior to the making of the said Order in Council;

BE IT THEREFORE RESOLVED THAT this Honourable House respectfully request that the Government of the United Kingdom do take all necessary steps to revoke the said Order in Council in relation to the Cayman Islands;

AND BE IT FURTHER RESOLVED THAT the following message be forwarded by the Honourable Speaker to His Excellency the Governor:

"To His Excellency the Governor:

This Honourable Legislative Assembly do request that Your Excellency take note of the resolution of this Honourable House on the matter of the request to revoke the Order in Council abolishing the sentence of death for the crime of murder in relation to the Cayman Islands and with utmost dispatch forward a copy of the said resolution to Her Majesty's Government in the United Kingdom."

MR. JOHN D. JEFFERSON, JR.:

Madam Speaker, I beg to second the motion.

MADAM SPEAKER:

Private Member's Motion No. 8/91 - Abolition of Capital Punishment, having been duly moved by the First Elected Member for West Bay and seconded by the Third Elected Member for West Bay, is now open for debate.

MR. W. McKEEVA BUSH:

Madam Speaker, there is no question in my mind that the unilateral action taken by the Privy Council to abolish capital punishment for murder in this territory is a matter which has caused much concern in all quarters in these Islands. Since the announcement of the decision, there has been quite a stir from people of all walks of life where often the question has been posed as to what is the United Kingdom's intention on other laws that might be contrary to the laws of the United Kingdom.

Madam Speaker, everyone by now knows of my position on capital punishment; I am in favour of it. I do not pretend to have specialist knowledge, indeed, Madam Speaker, since it is a broad issue involving morals, ethics and the fundamental rights of the state and of the citizens to which the state belongs, I doubt if anyone can ground the sureness of his opinions upon the basis of deep knowledge.

I am a retentionist and I believe in capital punishment because of my fundamental belief that whomsoever would deprive another of his life is liable to lose his own. And might I add, Madam Speaker, that society, through the authority which comes to it from the Creator, has the power and the right to decide if such an individual deserves to live and how he must pay his debt to society.

The whole function of any government is to protect and advance the common good; in other words, Madam Speaker, the welfare of the community. The Government has a right and a duty to define the law and to defend the civil community from aggression in times of war and the Privy Council has not abolished that. Likewise, the Government has a right to define the law and defend the civil community from murder within our land. In my view, a murder is an unjust aggression against the community because the murderer, in taking into his own hands the unlawful execution or murder of another human being, is thereby attacking the life of the community itself.

Our responsibility, as Members of this Honourable House, in such circumstances is to protect the community to the greatest possible degree against the crime of murder. We in this House must decide, as it seems that the Privy Council did not decide, whether we are more concerned with the welfare of the country as a whole or the possible (and I stress possible), reformation of a person who has been found guilty of a heinous murder. I say that we must be strong defensively as a country to deter those who commit aggressions against us. Our laws must be strong to prevent a murderer from taking the life of any of our citizens.

It is reasonable to suppose if there is a deterrent factor in capital punishment, that deterrent operates not only by affecting the conscious thoughts of individuals tempted to commit murder, but also by building up in the community, over a long period of time, a deep feeling of peculiar abhorrence for the crime of murder. It is my submission that the abhorrence within the people of these Islands for the crime of murder that the Privy Council chooses to ignore, or is badly misled on, is something that the people of this country have not taken lightly.

Some people have chosen to say that the retention of capital punishment is not a deterrent. I doubt that it is of much value to try to appeal to statistics or to try to show the effectiveness or ineffectiveness of the death penalty. Some would say there are too many variables involved. One thing we must remember here in these Islands is that although we have had a lot of people missing over the past several years, there is no evidence of murder. We do know that of those charged with murder there has been as yet no hanging since the 1920s when someone was committed and sent to Jamaica. But what we do know, is that between the years of the 1920s and the late 1970s when murder started to increase in that spread of time we hardly heard about serious crimes such as murder.

So, since there can be no statistics to tell us here whether it is a deterrent or not, we have to believe, although arguments could be advanced otherwise, that it has been a deterrent. However, in arguments or debates on any situation, there is one factor that has often been cited in regards to

statistic. Depending upon where you start and how you use statistics, you can make them favour almost any position you want to hold.

On this subject, in other territories, authorities have produced statistics to prove that capital punishment is not a deterrent to crime. Other people take exactly the same statistics and set them up in such a way that they prove conclusively that capital punishment is, yes, a strong deterrent to crime. However, the increase in the murder rate is influenced, in my opinion, by a great many factors entirely apart from the existence or non-existence of capital punishment.

The ultimate proof that capital punishment is a deterrent to crime is one that it would be nigh impossible to bring forth, unless you could induce those who have been deterred from crime by the thought of death to come forward and so testify. Maybe we should consider this point in the light of something we understand. If we have a fear of the law it is understood that we will be afraid to commit a crime. If you drive down a highway and you are exceeding the speed limit and you see a police car coming, you automatically drop down to the speed limit.

Life is the sweetest thing that we have and it is the hardest thing to lose. If we are to consider the death sentence as a deterrent at all, we must look at this question as individuals. If by taking one convicted murderer's life we prevent one innocent person from being murdered, then of course capital punishment is a sufficient deterrent to murder to warrant sustaining in any territory. If it saves one innocent life, if it saves one innocent girl, the maintenance of capital punishment is warranted.

As for those who make the charge that to commit someone to life is murder by the State, I say it is far from being murder. I contend that the enacting of the death penalty is simply the legitimate exercise of civil authority by the Government in the interest of the defence of the community. Arguments are being used by those who oppose capital punishment about the miscarriage of justice because the accused cannot afford the services of highly qualified and experienced lawyers. However, this terrific moral burden affects other professions as well. There are still those who die because they cannot afford the best medical specialist. There are those who get rehabilitative treatment for drugs but go back to that scourge before long because of too quickly being released because of financial restraints.

I suggest, if the Privy Council wants to assist these Islands with peace, order and good government, they expend their time and energy to helping us find a solution to the importation of drugs into this country. I suggest that we, as the representatives of the people of these Islands, must be much more concerned about a person who is losing his life because of illness, than with a murderer who is losing his life because he has committed a crime.

Some say that the ultimate goal in the punishment of the criminal should be rehabilitation. Well, Madam Speaker, if at this time in our history we say that a whole generation cannot be helped of their drug habit, what hope is there for integrating a man who has proven to society that he cannot and will not subscribe to the laws of society?

They talk about life sentencing. In the Law Journals of Canada, in the province of Quebec there is a case of a criminal who watched a young girl, planned and plotted her rape, and finally committed that rape. The girl was crippled in the event and finally died. He was sentenced to life imprisonment and was paroled. On his entrance to society he committed the heinous crime of sodomy on four young boys between the ages of seven and eleven years. He killed all four of those boys. They put him in prison again and while awaiting the final outcome, he stabbed the Governor of the Quebec jail, I understand, the day before the man was to retire.

Madam Speaker, I have no hesitation in telling this House that if you commit a crime against society, against your sister, your brother, your neighbour, taking that person's life, you must pay the ultimate price. You should pay with your life. If in our society people can go into business establishments, as we had a few months ago, and shoot an old man in his stomach in the act of robbery, there should not be anything else but the death penalty for that act in such a small community.

In my constituency there have been several people missing. And as I have said before, while there are no statistics to say that they were killed, it is the opinion of intelligent people that those people were murdered because of some drug connection. I believe that when things get to that extent in our community we should not remove any law that can give the ultimate satisfaction to those kinds of heinous crimes.

We have had in the spread of five or six years some eleven murders and you know what we are going to hear from the other side? We are going to hear that we cannot do this, that we cannot talk to the Privy Council, that we cannot tell them what we want for our country, because they are going to give us independence. I am waiting on that issue silently to rise here and I hope that it arises here today so that I can deal with it fully (although my voice is not in the best shape). But I have the proof, so I am waiting on those who will talk about not being able to say anything to the Privy Council, they have taken this action and therefore, we must accept. The man in this House that will accept that atrocity thrust upon us, knowing our circumstances, should not be an Elected representative of the people.

Madam Speaker, they are telling us that crime is a disease. The abolitionists say it is a disease that can be treated and cured. I believe that some of them in this House are going to hide behind the Privy Council. They argue that crime is a disease which is a result of poor environment. In other words, they say that when a person murders someone else, it is not the one who has taken the life who is at fault but society is the criminal. That is their argument.

In defence of the murderer the abolitionist states that such a man has lived, or is now living in the slums; he is suffering from a broken home, poverty, divorce, lack of opportunity, and lack of education. They say he is not really responsible for his actions because these things have been foisted upon him and because of this the end result can be nothing but the creation of a murderer. They state

that because society permits these slum conditions that society is responsible for the murder.

Madam Speaker, I cannot accept this argument, because there are too many instances of people who come from poor families in slums, if there is such a thing in Cayman, who have become useful citizens and professional people. They have become leaders in the social field, they even have become leaders in politics. In my opinion, environment is not the basic cause or the answer but rather there is something in the heart of man that influences his actions and makes the basic difference in a person choosing the right or wrong way of life.

The abolitionists even hold the argument of heredity. They usually link heredity with bad environment and blame it for criminal activity. It has been suggested that some murderers coming from a slum environment also come from an undesirable family. It is said that they have criminal blood in their veins and this combination of environment and heredity produces the criminal. If we accept this premise, have we not the right also to ask why it is that on a number of occasions two brothers from the same home, who were raised under the same conditions, have the same blood flowing through their veins, the same mother and father, lived in the same home, ate the same meals, lived in the same atmosphere, associated with the same people, attended the same schools, had the same teacher, and yet go in completely different directions?

The solution to our problem could possibly be achieved if we had the answer to what makes two brothers go in different ways, one right and the other wrong, in spite of the same environment, the same conditions, the same blood and the same background. I, therefore, cannot support the claim that it is environment or heredity that produces murderers. I do not believe that any two people really have the same environment. No two people have exactly the same kind of heredity nor can it be acquired. Brothers have different faces, different physiques and other important personal characteristics in spite of having many common factors. I do not believe that the two factors of environment and heredity have any part in the compulsion or unknown cause which makes a person commit murder. Until this unknown cause is found and those proponents can devise a treatment, I feel it is our duty as Members of this House, to support the resolution before this House.

Years ago there was a train of thought and action taken to abolish the sale of alcohol and make alcoholic beverages disappear off the face of the earth. They achieved only one thing, they helped the underworld by encouraging bootleggers and as a result of that attitude alcoholism grew. Bootleggers became rich, women took to liquor through the hip-flask carried in one's pocket.

We have witnessed the development of a Caponian spirit with the murderers and everything that it entails. Still the prohibitionists then were seeking the welfare, they said, of the population. And during those times there were honest people intent on helping the whole population but instead those good people helped the gangsters in their activities and were the cause of the growth of alcoholism.

Today we have the same thing. Good people, gentle folks, religious people, devout, well-meaning people, as in 1917, who are asking for the abolition of capital punishment and support the abolition of capital punishment. They are, in my opinion, in the same manner, asking the same thing as the underworld, abolition of the death penalty. This request for the abolition for the death penalty goes way back to the fifteenth and sixteenth century, just like today in France, Italy, Germany, and in England and the United States, there were abolitionists who spent their lives campaigning in favour of abolition. Fortunately, they were not successful everywhere. Just as well today, the European community is putting pressure on the United Kingdom to abolish capital punishment for the Dependent Territories.

It is my opinion that if we do not get a clear understanding of where a united Europe, with Great Britain being a part of it, is intending to go, this country and other territories are going to be in deep trouble, not only with capital punishment, but in terms of immigration because of their open border policy and in terms of their finances.

In 1989, at the conference in Barbados on the topic of the European community and its effects on the Dependent Territories, I said that we have to watch where we are being led and that we should get a clear understanding from our Governments. But that clear understanding has not come about, there has always been a nebulous answer given when we ask about the effects of a united Europe with England as a part.

Everywhere the abolitionists put forward all sorts of arguments. It is suggested that it is a matter of conscience (and by the way I have not yet heard whether this matter is going to be a conscience vote) but we know that we have always been told that such things as capital punishment, and I believe that the last time that it was dealt with in this House back in the late 1970s, it was a matter of conscience. I hope that Executive Council has asked for the release, because as I understand it, it is Executive Council who has to ask the Governor for the release on the basis of conscience. Of course you might hear something else, but as I said, as some of them usually say on this matter, I will be the last to rise.

On the matter of conscience, the Bible (and the abolitionists often use it) distinguishes clearly between the individual and society. The individual is told, "Thou shalt not kill." But society is told to put to death any person guilty of killing another. The Bible provides that whosoever sheddeth man's blood, by man shall his blood be shed. Looking through the Bible one finds several references to the effect that if someone strikes any man a fatal blow he will be put to death himself. So, I have no doubt that I am on all fours with the Holy Scriptures when it comes to retaining capital punishment - "an eye for an eye."

In nine or ten instances the Bible says that a killer is liable to the death penalty. It does not say that an individual has the right to kill. On the contrary, it admits that he does not have that right. On the other hand it states that society not only has the right, but also the duty to put a murderer to death. If for one it is a question of conscience, one should rely on the Bible. Yet, certain verses are quoted from the Bible about the individual but not about society's right. Still society, as I have said, has a responsibility in this field. We have a right to protect our citizens. And I say it again emphatically, it is my belief that if you come to your

neighbour's house and you go into that house or you stand in the window and you shoot your neighbour, planned the murder, you should pay the ultimate price with your own life.

There are many arguments advanced. They say that it is barbaric. Well, Madam Speaker, what about the murderers who killed through sentiment? What about those who do not give their victims a chance to defend themselves? Our people are attacked without warning and shot; the man is dead, the family suffers. But the murderer is pitied. How unfortunate they say to kill another man!

They also say that capital punishment is vengeance. Vengeance is an act by which evil is returned for evil. I do not think that there is any question of vengeance in the case of society. Society is responsible for punishment and does not commit murder in such case. It punishes and castigates the one who has committed murder. And I say it is a responsibility of society which cannot be reneged nor avoided. It is its own responsibility. It is not something that can be called vengeance, maybe retribution. But as I say it is something that cannot be reneged or avoided. They say that it is not a deterrent and we had arguments just now about it. But I question, will life imprisonment be a deterrent? Will it deter the criminal to know that he will be permitted to live freely after committing a murder?

Must we, and I say this quite plainly in a country with so much priority and need for financial resource, continue to feed people and clothe them all their life in prison when that person planned a murder - the deliberate taking of a life? Not at all, Madam Speaker. My claim is that the only sentence appropriate in the case of a murderer is the death sentence.

Should we abolish capital punishment for those who are syndicated gangsters or contracted criminals Madam Speaker? Their business is murder, their business is evil, their business is corruption. Must we countenance the sort of criminal who will plot against the life of a representative of the nation because that representative stands against their evil doings and will speak out plainly on the wrongs that gangsters commit? Their business is crime for material gain.

Should we abolish capital punishment for murder which is planned, which is deliberate? Not on these shores, but in our time we have had cases where murderers have placed bombs on aircraft, some 350 people on an aircraft have been blown up. People not connected with the hate, which the murderer felt for one person, one state, or one or several issues. We have had cases of the gradual but effective poisoning of a person over a period of time. All these things constitute good reason why this legislature should tell the United Kingdom Government that we are your loyal subjects, yes, but we demand the right to say what laws govern our way of life.

We hear another argument, that of the possibility of judicial error, which is a serious one. Dealing with judicial error, it is easier to be a reformer. It is easier to get up and spell out the ways in which you are going to reform the world. But it is difficult to change and reform human behaviour. Over the history of mankind, we know that mankind has not changed. Circumstances have changed but man's psychological behaviour under those changed circumstances has not.

What about judicial mistakes? they ask. But this is again very difficult to prove. Judicial error is difficult to prove or disprove but I think that the British system of jurisprudence, which we adhere to in Cayman, they say is one of the best in the world. If it is not working, it is not the rule of law that is at fault. Laws must operate for the good of the greatest number. However, this is no excuse for errors and the question should be looked at how we can minimise or eradicate judicial error. I will say this, I think we should, in regards to the eradication of error, appoint the best men to the Bench. We must appoint men not only of intelligence and learned in the law, but men with patience and human understanding. It is said that a laying on of hands makes a Bishop, but it does not create one. So, there are many matters put forward by the abolitionists, but none that I can subscribe to.

I think whatever the outcome of this resolution that all of us here agrees that capital punishment should not only be retained for treason but for the heinous crimes of murder against our citizens also. And any of the Executive Council Members not supporting that are not supporting it because this side of the House has raised the matter. Now I want some good debate and I am hoping to get it.

There can be no question in the minds of any of us that the action of the United Kingdom is a very unusual and high-handed move. They acted unreasonably and there was inadequate consultation with the people of these Islands and we, as the Elected representatives, also. The people are opposed to the action taken by the United Kingdom and they should have been given the opportunity of expressing their views, either by means of a referendum or some other means.

But just look at this. In January of this year, the Government of the United Kingdom sent two Constitutional Commissioners here. That could have been an opportune time to try to find out the wishes of the people, since a constitutional issue is involved. There is no doubt that there exists in the form of this Legislative Assembly a body capable of dealing with the issue, which was not afforded the opportunity of considering it before the United Kingdom moved to abolish.

As neither section (5), nor section (7) of the West Indies Act, 1962 seems to apply, the Order was presumably made under the reserved powers contained in the last section of the Cayman Islands Constitution Order, 1972. If this is so, can it be said by the Privy Council that a law, or that an Order which is made by people thousands of miles away, with no due regard to our local situation or even the historical context of the said law, a law which is unacceptable to either the people of the Islands, or a majority of their elected representatives, none of them can say that it is a law made for the peace, order, and good government of these Islands.

Presumably that Order by the Privy Council was made under our Constitution in the last section which deals with power reserved to Her Majesty. Section (58) which reserves the power, with the advice of the Privy Council to make laws for the peace, order and good government of the Islands. I wonder how they can say it is peace? I wonder how they can say it is order or how it is good

government to take away from their colony their duly elected representatives who affirm or swear allegiance to the Crown, a law which is still on our books?

While this House is not a sovereign parliament, we are a democratically elected legislature. It is said that Great Britain is the mother of Parliaments. They are considered the epitome of democracy. In this day and age it is considered by distinguished councils far and wide that their action is undemocratic.

What are their reasons for abolishing it? Under some vague law, which I do not think applies, I think as I said, it actually took place under our Constitution, but they said it took place under the West Indies Act, 1962. They tell us they want us to grow up constitutionally. On the one hand, the United Kingdom Government tells us that they are going to give us a constitution with wide powers such as to enable us to have say in appointing our Attorney General, to have say in the appointment of our Magistrates, to have say in the appointment of the Heads of the Government Civil Service Departments. They want us to grow up. And we also do not want to remain static, but if we are so grown up as to do these things, if we are capable of managing these areas, how then are we not capable of deciding whether to keep the form of social protection that capital punishment constitutes?

I hope that the Honourable Attorney General when he rises in a few minutes, can answer that question; can relate it and answer it. But it is not so much for the peace, order and good government of these Islands that this thing was removed. They say that it is repugnant to the British law. And it has been said by one person at least in the newspapers, that the Imperial Government should be able to hand down these Orders. In our constitutional context, as I said, where laws made here are repugnant to the law of the United Kingdom, that may be true of certain matters but surely, where there is such a serious matter as the wanton disregard for the taking of a person's life by planned murder, where that is at question, the term peace, order and good government must constitute an exception to that doctrine. The doctrine of laws here cannot be repugnant to the laws of the United Kingdom.

Madam Speaker, it is very clear to me, and I believe the wish of the majority of our people, that this Honourable House respectfully request the Government of the United Kingdom to take all necessary steps to revoke the said Order in Council in relation to the Cayman Islands.

For that to happen can the Members of Executive Council really cast their vote against this motion, for some pretentious reason, or for some nebulous reason? As Members of this Honourable House, if we are really against the actions of the Privy Council and for retaining capital punishment on our books, must we not make some move to at least try to restore the power to a law already in our statutes? I do not know what they are going to do. I believe that the Members opposite will give a barrage of independence, the blame for wanting independence. I have heard this mooted. I hope that they can come with that. I hope that they can try to blame that on any Member in this House. We will then see who the ones are that do their research.

It has long seemed apparent to me that there are some persons in our society who, by their own monstrous actions, forfeit their right to the protection of society. And I believe that society has the right to remove them, regardless of whether that law or that action might be repugnant to the United Kingdom. There are circumstances when the exacting of the death penalty is not only justified in the name of society, but is necessary in order to preserve the stability of this society, which supports the quality of life to which all of us aspire. No Privy Council on this side of heaven can make me change my belief.

Now as this Honourable House knows, there was action taken to organise a Dependent Territory Caucus on the matter, and this was completed on the 16th of May in Trinidad. The dependent territories concerned (Montserrat, Cayman Islands, Anguilla, Turks and Caicos Islands, British Virgin Islands and Bermuda) all attended and discussed the matter. All of us agreed that a similar resolution would be tabled in each local legislature. I understand so far that most of the territories, except Bermuda (I do not know what has happened there yet), have taken the matter up. I have had reports from two, I think. At that caucus a statement was given to Sir John Stokes, a member of the Conservative Party, and John Evans, a member of the Labour Party, the two United Kingdom observers at that meeting. That statement read:

"Delegates from the Caribbean Dependent Territories to the 21st CPA Regional Conference held in Trinidad met and agreed on the following with respect to the abolition of capital punishment in our respective territories.

We were disappointed and even outraged at the manner in which it was imposed without proper consultation of the people or their representatives.

We have therefore agreed to request the two observers from the United Kingdom Branch to make representations to Her Majesty's Government on our behalf.

We are strongly urging that Her Majesty's Government reconsider its decision to allow political leaders to properly deliberate on the issue in consultation with their people. Account should then be taken of the consensus which emerges.

We believe that this is in keeping with the democratic process."

That message or statement was taken to the Secretary of State by Sir John Stokes. We have not heard from them yet. I would hope that our local legislature will be smart enough to pass this resolution here today. There can be no good reason why we cannot ask the United Kingdom Government to reconsider their position. Tell me one good reason why we should not.

And so this motion is left to the House. I trust that all Members here casting their vote on this matter have searched their conscience clearly, not only on the aspect of capital punishment, whether in support of abolishment or retention of it, but search your conscience and ask yourselves whether you are satisfied with the action taken by the United Kingdom Government. Ask yourselves why we cannot send them a message, ask yourselves why we cannot ask them to revoke their Order. I trust I will not hear that the Privy Council cannot revoke their Orders. And I trust that I am not going to hear, as I said, some cloudy issue about being disrespectful to the Queen, because the Queen only signs a document as the Governor will sign any law here. That is basically what she does. So we are not being disrespectful to Her Majesty. The Queen reigns, the Ministers advise and rule.

At this time I will take my seat and ask Honourable Members to vote 'yes' for the resolution.

Thank you.

MADAM SPEAKER:

I will suspend the House until 2:15 P.M.

AT 12:47 P.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 2:20 P.M.

MADAM SPEAKER:

Please be seated. Proceedings are resumed.
Continuation of debate on Private Member's Motion No. 8/91 -
Abolition of Capital Punishment. The Honourable the Second Official Member.

HON. RICHARD W. GROUND:
begin by reviewing the legal background.

Madam Speaker, in replying on behalf of the Government, may I

The death penalty was abolished in the Cayman Islands by Order made by Her Majesty in Council under section (5) and (7) of the West Indies Act, 1962. Those sections enables Her Majesty by Order in the Privy Council in England to, and I quote:

"...make such provision as appears to Her expedient for the government of any of the Colonies to which this section applies, and for that purpose may provide for the establishment for the Colony of such authorities as She thinks expedient, and may empower such of them as may be specified in the Order to make laws either generally for the peace, order and good government of the colony, or for such limited purposes as may be so specified subject, however, to the reservation to Herself of power to make laws for the colony for such (if any) purposes as may be so specified."

Madam Speaker, section (7) of the West Indies Act, 1962 makes various technical provisions supplemental to this basic power. Among these is the requirement that the Order be laid before the United Kingdom Parliament but it should be noted that it is not subject to annulment unless it purports to modify a United Kingdom Act, and that is not the case here.

The Cayman Islands Constitution is of course also made under section (5) of the West Indies Act. In accordance with the provisions of that section, section (58) of our Constitution expressly reserves to Her Majesty, acting with the advice of Her Privy Council, the power to make laws for the peace, order and good government to the Cayman Islands.

In this case the abolition of the death penalty, the Government of the United Kingdom has acted pursuant to these reserved powers. It should be noted that neither the Statute, that is the West Indies Act, nor indeed the Constitution, requires the Government in the United Kingdom to consult with this House or with any other authority before making an Order.

The United Kingdom decision was announced in the House of Commons in London on the 28th of March this year, in an answer to a Parliamentary question. The Minister, in answering the question, explained the position in clear and unequivocal terms. He said, and I quote:

"In order to be consistent with the position in the UK, where Parliament has expressed a clear view, the British Government considers that the death penalty for murder should be abolished in those Dependent Territories which elect to remain under the Crown."

Madam Speaker, in a press release on the same day, the 28th of March, His Excellency the Governor, also stated that it had been explained from London that the basis for the decision was that the Secretary of State for Foreign and Commonwealth Affairs is ultimately answerable to the United Kingdom Parliament for the good government of the Dependent Territories. Accordingly, he is also responsible for ensuring that as far as possible, the Dependent Territory Governments follow the legislation and practice of the United Kingdom and that this principle applies with particular force where the United Kingdom Parliament has expressed a clear and consistent view over many years, as it has since the abolition of capital punishment in the United Kingdom on each occasion when it has been proposed that it should be reinstated.

Madam Speaker, against this background and given the apparent wish of the people of the Cayman Islands to remain a dependent territory of the United Kingdom, it is the view of Government that it is not compatible with that position to seek to reverse the United Kingdom's decision in this way. The Government does not therefore, consider that this motion is about whether capital punishment is a desirable institution or not, either generally or for the Cayman Islands in particular. It is not a vote for or against the

death penalty, that matter has already been decided by the United Kingdom Government. For this reason Government does not consider that this motion raises a matter of conscience and His Excellency the Governor has indicated that the question of releasing Members of Executive Council from their collective responsibility does not therefore, arise.

MADAM SPEAKER:

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Madam Speaker, I support the Private Member's Motion which seeks to convey to the British Government the feelings that capital punishment for murder should be restored on our Statute books. No one can convince me that the manner in which the abolition or the abolishment of capital punishment has been carried out for the Cayman Islands has been a reasonable act. To my knowledge the United Kingdom Government has never interfered with our local legislation in the 150-odd years that we have had representative government in these Islands.

It is also peculiar to note that the colony of Bermuda has not been treated in this high-handed fashion. It is my understanding from one of the Ministers in Bermuda that they received a communication which simply suggested that they take a look at their legislation with regards to capital punishment. They were not asked to rescind the legislation, they were not commanded to do so.

My recollection of this whole affair is that the first announcement that came from Government indicated that this action had been taken in London after consultation with the Governments of the Colonies. As far as I am concerned, there was no consultation with the Members of the Legislative Assembly, there was no consultation with the members of the public and if there was any consultation with the Members of Executive Council or the Governor, they kept it as a mighty good secret. I feel that the timing of this action is poor. If one looks at the record of crime in these Islands, particularly the Police report for 1990, there is nothing to suggest that crime, particularly the crime of murder, is abating in these Islands and so require more lenient treatment.

It is also peculiar that the United Kingdom Government has chosen to retain on the books of the Cayman Islands capital punishment for the crime of treason. And while treason can involve very serious acts such as, conspiracy against the monarch and assassination, it is also my understanding that under the law of treason a person could be charged with a very frivolous offence. Offences as simple as making a pass at Princess Diana. One wonders at the logic in all this. One wonders how they can justify maintaining capital punishment for treason while it has been abolished for murder.

We seem to live in strange times and I trust that this motion will be passed, and whether it is passed or not, that the sentiments of the Elected Members will be passed on to Her Majesty's Government.

I do not accept that we have to sit down quietly and acquiesce to this abominable act which has been brought upon us simply because we are a Crown Colony. If this had been done in what I call a gentlemanly fashion, one would have thought that the Attorney General would have presented a bill to amend our Penal Code, thereby abolishing capital punishment. But the matter was done in a manner that I find totally unacceptable. I find it going against the maintaining of good faith in our present Government, because I lay blame for this on the Elected Members of Executive Council. They are in a majority in Council and know full well the local conditions. They must say to the Governor that we, at least, ought to tell the public what is likely to happen.

Members as well.

I fully support this motion and would commend it to other

MADAM SPEAKER:

The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.:

I naturally rise in support of this issue.

Madam Speaker, as the seconder of this very important motion,

I feel that it is important for me as a representative of the people to stand against any action by any government or individual that threatens the safety and welfare of the people of these Islands. In my considered opinion it is essential in the light of a recent increase in a spate of murders in the country that we have some means of severely punishing any individual who willfully and deliberately takes the life of another innocent individual. It is my opinion that imprisonment for life is not sufficient for anyone who commits murder and any murderer must be prepared to pay for his heinous crime with his own life.

I am a strong believer in the old Mosaic Laws and Commandments especially as it relates to issues of this nature. There is a little saying in the Bible, "an eye for an eye," and what that means is that if you are prepared to take someone's life you must be prepared to surrender your life in return. I feel it is necessary for us to protect our society from such criminal elements at any cost. It is necessary for us to maintain the type of environment that we enjoy in this country where people feel free and safe and do not live as prisoners in their own homes. I think that is essential for the continued health and welfare of any society.

A murderer, should not have the opportunity and, in my opinion, does not have the capability of being rehabilitated. I feel that anyone that takes such drastic measures should be prepared to surrender any rights that he might have to life. I feel, as a country, that we have the right and the responsibility to retain on our books any laws that we feel are necessary to protect our society, including the retention of the death penalty for murder. I do not share the view of some legislators that if we voice, or submit our protests to the United Kingdom with regard to the way that this issue was handled, that the United Kingdom will say to us, "if you do not believe the way in which we do and you cannot accept this, then become independent." I do

not see the British Government taking that type of action and I think we as representatives of the people have an obligation to lodge such protests.

I feel that it was wrong for the Privy Council to have taken such unilateral action on the abolition of the death penalty in this country without first giving the representatives of the people and the people of this country an opportunity to voice their feelings on this very important and controversial matter. I feel that our dissatisfaction with this decision should be voiced in the strongest terms to the United Kingdom Government with a strong recommendation that they consider reversing such a decision as it affects the Cayman Islands.

There are arguments put forward that the death penalty does not serve as a deterrent to the crime of murder; that is debatable. But in my mind that is not the issue. My contention is that capital punishment is the only just sentence for the crime of murder. As I mentioned before, I think that we as legislators have the responsibility of safeguarding and protecting the honest and innocent citizens of this country. Sometimes in an effort to do this we may have to take some very unpopular actions, harsh actions even, but actions that are understood and accepted by all concerned, to be right and fair.

It appears that one of the reasons for the decision by the Privy Council was prompted by the United Kingdom's concern with regard to its Governors in the Dependent Territories, because it is left to the Governors of the respective Territories to determine whether or not a sentence of death is carried out. If this is the concern of the United Kingdom then I would strongly suggest that some other body or committee is responsible for making such a decision with regard to the carrying out of any Court ordered execution, when it comes to the issue of murder.

I also personally share the view of the Second Elected Member for Bodden Town that it was the responsibility of the present Executive Council. I know quite a few of them have very strong views that this action should not have taken place. And they personally support the idea of retaining the issue of the death penalty for murder in this country.

I feel it was their responsibility as Elected Members and representatives of the people to also voice their strongest protests against such action. I feel that it is important for the British Government to understand how we feel on such matters and that if the relationship that we have enjoyed for so long continues to be a harmonious one, then there must be mutual respect by both parties.

The issue of life is a fundamental right for every person. I think it is important for us to ensure that the sanctity of life continues to be held in the highest possible esteem. I feel that action to restore the sentence of capital punishment for murder will be a step in the right direction in ensuring that our society continues to be a safe one and life continues to be one that is cherished and enjoyed by all innocent citizens in this country.

I support this motion and I urge all Honourable Members to do the same when the opportunity comes to cast their vote.

Thank you.

MADAM SPEAKER:

The Honourable Member for Health and Social Services.

HON. D. EZZARD MILLER:

Thank you, Madam Speaker. I rise to oppose Private Member's Motion No. 8/91, which I regard as being erroneously entitled Abolition of Capital Punishment because it goes on to suggest that we should question the United Kingdom and certainly from the debate of other Members, it has been postulated that the United Kingdom did not really have a right to make the decision that they made in Privy Council. I disagree with that position because that right to the United Kingdom is provided in our Constitution. It does not seem right on the one hand to advocate democracy and have the system of democracy put in place laws and constitutions which have been made by representatives, duly elected by the people and then complain when those provisions of the Constitution are acted upon.

Now I sit here and smile inwardly at the way in which certain Members have used the Bible to justify their position on capital punishment. I recall quite vividly, in the not too distant past, having to endure various quotations from the Bible that we did not have the right, the state or anyone else, to take any life, not even that of an unborn foetus for medical reasons to save the life of another person. So, I found it quite interesting to hear that now we have the right to take a life. And even though life is in one minute a fundamental right, that right automatically disappears when one commits the hideous crime of murder.

I have always supported capital punishment. My stand on capital punishment is on public record on several occasions. But, from where I sit the United Kingdom exercised its constitutional authority and I have no choice but to accept that constitutional authority, unless we do as Sir Lennox-Boyd told them in the Eastern Caribbean, go independent if you do not accept it. Or, as the Honourable Attorney General quoted in his contribution to the debate, from the answer to the parliamentary question, in parliament (and it is quite clear), it says:

"the death penalty for murder should be abolished in those Dependent Territories which elect to remain under the Crown."

Now that is as clear as day to me. Gentlemen, if you want to put capital punishment on the book, you have to go independent. But we can take this thing one step further because we are all here advocating capital punishment and we make these great dissertations on what a deterrent it is. I am, as I said, a believer in capital punishment. I am not certain that it is the deterrent that some people put it up to be, but if we truly believe that capital punishment is a deterrent, we have four at Northward. Let us set an example.

This Order does not exonerate them but I have seen no motion

from the Backbenchers calling for them to be hanged. But they believe in capital punishment, we want to set an example. They are only trying to fool the people; they are playing politics. They know that they cannot do anything about this but they are trying to make the people believe that they can do something and that they want to do something, even though they know deep down inside that they cannot do anything about it.

They get up here and question and say that those people who oppose this motion are not representing their people. I represent my people to the best of my ability, but I do not try to pull the wool over their eyes to get their votes. I do not try to make them believe that I can do the impossible because some of them believe in capital punishment and some of them do not. I do not tell those who believe in capital punishment that I am going to bring a motion to parliament to get it restored because I tell them I cannot do anything about that. We are a dependent territory, the Constitution allows for what has been done and we have to accept it.

They might not like me, but I believe that some day down the road they will respect my honesty in telling them what I believe to be the facts and what I believe to be the truth about the situation.

Now we could write the Privy Council until we are blue in the face that answer to the question makes it quite clear what their position is. And, until you have a change of government in the UK, it will be of no use to write them. I believe it is correct to say that the United Kingdom Government itself, on capital punishment being a free vote, has done the opposite to what the majority of the people in the United Kingdom from public opinion want and they have removed it from their books. Yet, you hear them saying that they know that and they are still trying to fool the people in this country in saying if they write a letter to the Privy Council that they are going to get something done about it. A total waste of time for Parliament!

The same goes for the caucus in all of the Caribbean purporting to represent the Cayman Islands. They represent a fraternal organisation called the Commonwealth Parliamentary Association and that is just as bad as the Masonic Lodge. You cannot get in unless you are a Member of Parliament, you cannot even vote in their elections unless you are a sitting Member of Parliament. The other Members who served prior to this cannot even come down here and help us to get somebody elected. That is all that is. That has no governmental authority nor does it represent the position of the Cayman Islands Government.

You hear them saying that they are going to seek public opinion. Why did they not go and have a public meeting and seek the public's opinion when His Excellency asked them for their input? But they waited until after the fact and they are trying to save face and come in here with this motion to make the people believe that this is the saving grace.

Is the mover of this motion, in his opening comments, talking about the right of the United Kingdom to impose a legislation on us? Is he suggesting that we must remove and we must have complete control over our internal legislation? Is he suggesting we remove the power of disallowance over laws from the constitution? Because that is independence again. As long as you are a British Crown Colony they must have the power to disallow laws that conflict with their statute and their Government position on law.

All this is, is a blatant challenge on their part to thumb their nose at the United Kingdom Government. They are saying if you do not have capital punishment it is going to disturb stability. What do they think they have been trading on our economy for the last 20 years? It is the United Kingdom Government's stability that same power of disallowance of laws and that ability of the Privy Council to keep us in line. That is what we have been trading on. Are they suggesting that we must dump all of that? That is going to cause much more instability in this country than any removal of capital punishment, because unless you are prepared to hang them, then do not tell me you support capital punishment.

The Order does not affect those that are presently in Northward. Change the motion and let us send a message to His Excellency to hang those four. I will sign that one.

MR. W. McKEEVA BUSH:

He already has the power.

HON. D. EZZARD MILLER:

Madam Speaker, these people cannot continue to misinform the public on this issue. They were going to have some time ago a special meeting of Parliament to get a resolution passed. I told them then, if you need Ezzard Miller's name to get seven people, there is not going to be any meeting. Secondly, if you call a meeting to debate this issue, I am going to have my say on it and I am going to be in opposition to it. And I am still in opposition to this motion. What I am opposed to is the fact that, in my opinion, they are making the people believe they can do something that does not exist. Oh, they cleverly worded it to say we must ask. They can do that without a motion in a public debate if they want.

It is going to be even more interesting to see what the positions are of those among the seven Backbenchers, who, in particular sometime ago, called in Amnesty International and other things to oppose, when I think it was the Foreign Nationals from whatever country they were from, were sentenced to death. Some of the same ones on the Backbench were the instigators of that. To bring Amnesty International in to abolish capital punishment.

MR. W. McKEEVA BUSH:

On a Point of Order, Madam Speaker. The Member is inferring something that is not correct to the Members of this Backbench and I want you to take regard of the word 'some'.

MADAM SPEAKER:
please proceed?

That is not a Point of Order, Honourable Member. Would you

HON. D. EZZARD MILLER:

Madam Speaker, I think I am speaking fairly clear English. I did not say all of the Backbenchers. He is correct. I said 'some'. And he is always boasting about who has done their

homework. Let him do his homework and I will find out who the ones were that wanted to bring in Amnesty International. They are among his group, they are not in my group.

The crux of the matter is the United Kingdom acted completely within the laws, its legal rights and constitutional rights in doing what they did. We cannot do anything about that unless we do what this good man said in his press release. I do not think that the restoration of capital punishment in this country is worth going independent over. That is my position, I oppose the motion.

Thank you very much.

MADAM SPEAKER:

The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN:

Madam Speaker, I rise to support this motion and I would like to read the operative part of it, as it seems that the Member for Health is debating some motion other than what I have before me. The resolution is that this House respectfully requests that the Government of the United Kingdom do take all necessary steps to revoke the said Order in Council in relation to the Cayman Islands, that is in relation to the abolition of the death penalty.

This motion is one in which the Legislative Assembly within its Constitution and within its right is making a request to the Government of the United Kingdom. Nothing more, nothing less. I see this as important because this specific matter is one that was dealt with in such an unusual way by the Government of the United Kingdom that I believe it should be conveyed to them what the feelings of this dependent territory, the Cayman Islands, feels and the fact that we wish to be consulted on matters of major importance.

The public knows me at this stage. I am a person who has bitterly opposed independence, in fact I have opposed changing the Constitution and that is a hard known fact. I am not going to stand here and support a motion that is going to be something that will cause the country to go independent. To me, that is a stupid statement because it is a simple request. But on the other hand, I believe we have to have the backbone, when the time comes, to state our belief. And if we state those within the legal limits of the Constitution then the United Kingdom understands our position. This motion is not the only motion that will be introduced to the five West Indian Dependent Territories. You will probably find that most, if not all of them, will debate similar motions. The reason for this is that this specific issue did not come back to the public. I believe that major issues must be debated publicly and the public allowed to have input. That is where I think the United Kingdom was wrong in not giving sufficient time and the way in which they dealt with it. It has nothing to do with independence, the Constitution, or anything else. It really comes down to common courtesy.

The difference is that the Government knew about it and the Government did nothing to bring it to the people. The reference that was made to us knowing when the Governor asked, I think sometime in March of 1990, was a standard thing that comes up normally every year. The United Kingdom, through the Governor, keeps before the Legislative Assembly Members their option to abolish the death penalty, their option to advance Constitutional matters such as that. These are routine. But no where, and at no time were we told that the United Kingdom was thinking of passing legislation to abolish the death penalty. This is really what this is all about.

In the normal course of things what would have happened is that a motion or an amendment to the Penal Code would have been introduced in the House and it would have been debated. The United Kingdom chose to go this route and that is their right. And, as the Member for Health has said, they have the right to do it. However, we also have a right to let them know how we feel and those two rights co-exist side by side. One or the other does not mean that we have changed our position constitutionally or that we have to change it.

This really came to me as a shock when I saw it done because I believe it is probably the first time that the United Kingdom has used United Kingdom legislation, a statutory instrument, to deal with amending a normal law. It deals with things such as constitutions, extends conventions or legislation which has been extended that is similar to the UK, for example, the Merchant Shipping Acts. But this was an unusual way to go about it and it deprived the public of a right to have a say on it.

Whether or not what the public said would have had an impact on the United Kingdom, I do not know but what is certain is that if it is such a major issue or such a moral and religious issue as this, then surely, the people of this country have a right to have a say, to have it debated and to have their views considered. We did not have the slightest clue that this was going to be done in this way.

The statement made in relation to carrying out the death penalty on those that are on death row is a decision that must be made by the Governor who will consult Executive Council. They do not consult us on this as the Member for Health seems to be trying to say. We are not the people who are the Government. They are the Government and it is their duty to inform the public and to inform them fairly on matters which affect them. So we have two issues in this; one is the way that the death penalty was abolished for murder and the second is basically the merits of whether or not there should be capital punishment for murder in this country as well as for treason.

Obviously, the United Kingdom was not against the death penalty generally, and they restricted it only for murder. However, it continues to be the penalty for high treason. What the public and this House have to remember is (notwithstanding that the death penalty remains for treason and until recently remained for murder) there was a provision made for mercy and that is where the Governor and the Executive Council come in. If it were decided to hang a person, there was that outlet which remained, where the Governor could remit the sentence to perhaps a life sentence; therefore not all cases would have the death penalty enforced. This provision was always there, that is why I do not really understand what has been achieved. I do not understand fully the principles or the thinking of the United Kingdom on it.

I am a Christian, like other Members of this House. I believe in life after death but I also believe that within this society we have to do what is necessary to protect it. At this time my own personal view is that the death penalty for murder should have remained subject to the prerogative of mercy. And that is the view I hold and I know that that is a majority of views held in this Honourable House. That is the second issue.

People have their own respective views on this. Those who are against it, I respect their views. It is a very personal and a very religious issue. The taking of a life is a very serious issue. And it differs considerably from the taking of an innocent life. The Member for Social Services dealt with that. I am against the taking of an innocent life, yes, I stand on that, I have always stood on it. But where you have a blatant murder, where it is premeditated, then I have no hesitation in saying that I am for hanging in those circumstances. It is a totally different thing from the issue that was raised some time ago where you were dealing with innocent lives. Once again, this is a very personal issue and I respect the personal views of the Member for Social Services on this. We agree on one, we differ on the other. That is his right, it is the right of everyone in this House.

Where I lay considerable stress is that I believe, as one who has never even had the slightest dreams of seeing this country go independent, I am, the public knows, about as far away from changing things that work as anyone else. But I believe that the United Kingdom Government needs to also respect our views and our rights. While they may be masters in certain areas, we have rights relating to at least, the public debates in these matters and they need to listen to our views. In the end, on certain matters, they need not go along with them. But the United Kingdom has been very careful to follow the proper process when it comes to public debate. And that is why I think that something must have gone wrong from the traditional approach, by them taking and passing the legislation for the five Dependent Territories.

I can assure the Member for Social Services that the statement that came out with the legislation, stating words to the effect that they were abolishing it for the countries who elected to remain dependent had no tones whatsoever of changing the United Kingdom's annually stated view that colonies can remain colonies as long as they wish. If they wish to advance their constitution, if it is the wish of the majority of the people, then the United Kingdom will not stand in their way. That statement remains. I have been assured that the statement in the release was not meant to convey anything at all which could say that people who held a view that is different from the United Kingdom's, had to go independent. I do not even see how you can draw that conclusion from the situation.

So I would like to assure the public that when I support this motion, I do so from the clear understanding that it has nothing to do with the Cayman Islands altering its Constitution, or going independent as the Member for Social Services was urging and that I will respect the public's view also on matters such as this. My duty here is to carry out the wishes of a majority of the public, but it is also to see that they have a right to participate in the making of major decisions in this country because that is what democracy is all about. That is what, in this matter, we are basically saying to the UK: "When you are going to make major decisions, follow what you have done for the last 150 years and consult the public."

Whether the problem was with the Executive Council not coming to the public, or the United Kingdom moving rapidly and not having an opportunity to get to the public, I do not know. But somebody should have seen to it that the public was consulted on this matter and the views of the public should have been conveyed to the United Kingdom.

I support the motion. It is nothing more than a simple request to the United Kingdom Government that this House is making. It is fully legal and it has nothing whatsoever to do with independence. I wish that the politics of independence would really disappear from this House for a while because we do have a major issue of Constitutional change coming up and it is unfortunate if that gets clouded too with the question of independence early on.

So with that, I support the motion and I can assure this House that there is nothing to fear from it being more than what it says.

Thank you.

MADAM SPEAKER:

The House will be suspended for 15 minutes.

AT 3:24 P.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 3:49 P.M.

MADAM SPEAKER:

Please be seated. Proceedings are resumed.

Continuation of the debate, Private Member's Motion No. 8/91.

The House has a considerable amount of business to carry through during the next couple of days, so could someone please continue the debate? Otherwise, the question will have to be put.

Is the Honourable Member prepared to do the winding up?

Thank you.

MR. W. MCKEEVA BUSH:

Madam Speaker, I would prefer to have tonight to do a little more preparation for some of the propaganda that was thrown into the debate and to rest my voice so that I could be in better shape to deal with this matter.

Madam Speaker, the Member who answered for Government, the Honourable Attorney General, said that the matter is not a matter of abolishing capital punishment therefore there was not the question of a conscience vote, or the Governor thought it was not a question of a conscience

vote. I disagree with the Attorney General on that because the operative part of this resolution says that the House respectfully requests that the Government of the United Kingdom do take all necessary steps to revoke the Order in Council in relation to the Cayman Islands. Now the Order in Council, as everybody knows, states that notwithstanding the provision of any other law enforced in the territory, no person shall be sentenced to death by any Court in the territory for the crime of murder and a person convicted of murder shall be sentenced to imprisonment for life.

So I do not see how the Attorney General can get up in this House and say that this is not a matter of capital punishment. We are seeking to reintroduce capital punishment in the country so how therefore can the Member say that it is not a matter of capital punishment? Further, it is my submission that the Members across the way, if they support capital punishment as they say they do, would ask the Governor to release the prisoners on a matter of conscience. So how can they come here and say that they cannot do it? The Governor, when he was Presiding Officer of this House, specifically stated that the Members themselves have to request it. The Members of Executive Council have to request him to let them vote a conscience vote. So who are they fooling?

Regardless of what might be said on a political platform, what we deal with is what is said in this House. I consider, if I have to say so myself, that when I introduced the resolution, I did it on a very high note, dealing with a specific issue until (and there was no matter of the introduction of politics), the propaganda Minister on the other side rose to speak.

The first thing that the Member for Health and Social Services did was to rise and say that Members on this side had postulated that the United Kingdom had no right to make the Order. That is as far from the truth as east is from west because I read the relevant section, section (58), where in our Constitution alone, much less other instruments available to the Privy Council, specifically gives Her Majesty the power. So how then can anybody listening to that Member believe in the truth from that Member, when he got up not too long after I had sat down, and said that? Madam Speaker, they must stop playing politics with every issue. And that Member is the master at it, with a little prodding from the Member for Education.

I cannot see how the abortion issue can be reconciled with blatant murder if someone can come to your house and shoot you through your window. I cannot see how the abortion issue can be reconciled with that, Madam Speaker. So I am not going to even attempt to answer him. If he wants abortion in this country, let him be man enough to come back and bring it! He has a good way of saying one thing and doing another. Let him bring it! He usually says that he will do nothing but bills, but he quickly comes back and puts them in committee.

Now, in dealing with the debate of that Member, he said that he supports capital punishment but if the Backbenchers want capital punishment to be put back on the books then we must do as the Minister Timothy Eggar said and go independent. What do these people get from telling so much untruth in this House? Because that is not what any Minister of the United Kingdom Government has said.

We had a Mr. Holland from the Foreign and Commonwealth Office here about a week ago. We, that is all of the Backbenchers, had a discussion with him for close to two hours. The First Member from Cayman Brac and Little Cayman can verify that I specifically put the question to him about what the United Kingdom's position is on independence for the dependent territories since this was being raised in connection with the abolition of capital punishment. He said that no one should read that to mean that England is telling the dependent territories to go independent. He said England's position has been and will continue to be that they will not push the Dependent Territories into independence. He said that the section...

I hear some grumbling on the other side. If they had wanted to debate this, the bunch of them should have gotten up and debated it! Now they sit and listen and leave things cool and calm so that I can get my papers together. Madam Speaker, I was trying to find my paper which carried the answer from the Commons. Thank you, Madam Speaker.

Mr. Holland said that the wording in the question from the House of Commons - and I will read that wording - that: "The British Government considers that the death penalty for murder should be abolished in those territories which elected to remain under the Crown." He said that should not be taken to mean that Great Britain is saying to the colonies that "if you do not like the abolishment of capital punishment you must go independent." Now that is what the Member for Health and Social Services tried to get across in his debate. Mr. Holland, the man from the Foreign and Commonwealth Office, said that this wording was put in there because not all of Great Britain's colonies elect to remain under the Crown. He said that for instance Hong Kong and Gibraltar are colonies by virtue of treaty, so they did not elect as such, and that is what they mean by that. I do not know whether that satisfies him or not.

Further to that, or even before that, while at the Caucus of the Dependent Territories in Trinidad, the two British delegates, Sir John Stokes and Mr. John Evans brought a brief with them from the Foreign and Commonwealth Office. I want to read the brief, because the Member for Education, who did not speak, and the Member for Health have been saying and throwing this independence issue into the debate.

This brief brought to the caucus in Trinidad by the British delegates sets out clearly the issue on the abolition of capital punishment. And it further shows that the Executive Council of this territory not only did not know about it, when we did on the 28th of March or when the rest of the country did, as some of them had been saying but that they knew about from February! Yet, the people responsible to bring that to the floor of the House when the House was sitting in February, did nothing but to sit and not take their responsibility. They abdicated their responsibility by not bringing the issue then. What I am about to read sets out clearly that the bunch of them knew. And you want to tell me that all of them can claim responsibility?

You know what they do? They usually sit back and let their propaganda Minister get up, throw a lot of foolishness into the debate, feed them a little bit of paper and they sit

back and think that is how it is going. It is okay when they have the last say, but they cannot do that with McKeeva when I am debating a motion because I do my homework. They know by now that when I raise a matter 99 per cent of the time I have the facts because I have done my studying.

I will quote from this brief:

- "1. Since 1965, when capital punishment for murder was abolished in the United Kingdom, its retention in the Caribbean Dependent Territories has become increasingly anomalous. For example, the United Kingdom now appeals for clemency to Governments of third [world] countries on specific cases of capital punishment which concern us. The situation in our Dependent Territories could be used against us."

This morning when I raised the matter of a united Europe and what it means for these Islands, one of them, if they were so responsible, should have gotten up and said something about it. The Attorney General of this country should have said something about it because I make the charge that they know what is going on.

- "2. Dependent Territory Governments were made aware of Her Majesty's Government position over many years. However, the climate of opinion on capital punishment in the Caribbean is overwhelmingly for retention and the Dependent Territories are no exception. No Dependent Territory Government initiated action for abolition after the Westminster Parliament decided by a majority of two to one, in a free vote in December 1990, not to reintroduce the capital punishment for murder. The only realistic alternative remained legislation in London by Order in Council for the Caribbean Dependent Territories."

[This is the part that I say condemns our Executive Council.] "3. Governors, consulted local governments in February, stressing the importance that Her Majesty's Government attached to this issue." I will read that again. "Governors, consulted local governments in February, stressing the importance that Her Majesty's Government attached to this issue."

No progress was made. Why? Why did that group not come to us as a Backbench and say this is what the United Kingdom Government is doing? This issue of capital punishment goes beyond any political differences. But they are so entwined in their political cloak that they cannot see the good that getting together sometimes is done only when they want a load of money for one of their projects, then they come running to us.

"The decision to legislate by Order in Council was announced in Parliament before Easter. It will come into effect on the 10th of May.

4. There is no doubt that the Retentionists are in the majority in the Dependent Territories and that their beliefs are sincerely held. But this is equally the case in the UK, where opinion polls showed that the public would vote in a referendum for capital punishment. But Members of Parliament have voted against it consistently since 1965.
5. Bermuda: Her Majesty's Government cannot legislate by Order in Council for Bermuda, but the House of Assembly in 1988, was evenly divided on the issue in 1988 with one abolitionist absent; the Speaker's casting vote, decided the issue in favour of the status quo. We hope that the Bermudas will abolish capital punishment on its account soon."

This is the part that deals with the propaganda

Minister on the other side.

- "6. Independence: This has been represented in some quarters as an issue which might force Dependent Territories to take independence. Our position on independence remains as set out by Mr. Eggar in December 1987: we would not seek in any way to influence opinion in the territories on the question of independence. We would not urge them to consider moving to independence, but we remain ready to respond positively when this is the clearly and constitutionally expressed wish of the people."

Can it be any more clearer to those Members over there that the abolition of capital punishment is not an independence issue when the Foreign and Commonwealth Office has said so themselves? Why is the Executive Council constantly telling untruths about this statement, this answer from the House of Commons? They do not only tell them to the Members of the Backbench but they have now resorted to telling them about the House of Commons. No one is safe!

This is the brief given to us by Sir John Stokes and Mr. John Evans, the two British delegates attending the caucus, who took our message back to the Secretary of State. They came prepared, they came to assure us that the British Government was not trying to push the Dependent Territories into independence with this abolition of capital punishment.

The Executive Council should have done their homework. The radio carried that the two British delegates were at that caucus. They should have called up and found out what the

British delegates were doing there if they were so smart. Misleading the people, Madam Speaker! There should be a penalty against misleading the people, and the Member for Health and Social Services would suffer the most.

He speaks of misleading the people! The Member said that if we were sincere in doing something about capital punishment (I want to show this House how devious that Member is and how far he would go to mislead the people of this country), we should bring a motion to hang the prisoners at Northward on death row. Now he says that he would sign it. He should not be in Executive Council because he should know what the Royal Instructions have to say concerning prisoners on death row. And for his edification, since he does not seem to know, let me read to this Honourable House what it says. It says, and this is clause (13), of the Royal Instructions:

"13.(1) Whenever any offender has been condemned by any civil court in the Islands to suffer death, the Governor shall cause a written report of the case of that offender from the judge who tried the case together with such other information derived from the record of the case, or elsewhere as the Governor may require, to be taken into consideration at a meeting of the Executive Council."

If this House had anything to do with it, it would say at 'a meeting of the Legislative Assembly'. It goes on to say:

"(2) The Governor shall not pardon or reprieve the offender unless it appears to him expedient to do so, upon receiving the advice of the Executive Council thereon; but he is to decide either to extend or to withhold a pardon or reprieve according to his own deliberate judgment, whether the members of the Council concur therein or not; causing, nevertheless, to be entered in the minutes of the Council a statement of his reasons, in case he should decide any such question in opposition to the judgment of the majority of the members thereof."

Now what more do the Executive Council need? What more does the Governor need? This House has nothing to do with the prisoners at Northward except to appropriate funds to feed them and for their comfort. That is all we can do and ask questions about it. But when a person is on death row, that person and the four persons on death row, are now left entirely in the hands of the Executive Council of this country and His Excellency the Governor.

So let me ask them the question, when are you gentlemen going to do something about it? When are you going to do something about it, since they believe in capital punishment, as the Member for Health has said? When? The people deserve to know. But an Executive Council that would stoop to misleading the people they represent on an important national issue as capital punishment does not really care. They do not care, they are holding them there until such time that a new Government is elected. And, if they are that Government ad infinitum, no decision will be taken because, they are not men enough to do something about the people in this country that murder, that plan to take lives at their pleasure. They intend to do nothing about it. They sit back in their offices and connive against the Backbench then come to the House and spew forth the worst propaganda this side of Goebbels.

So if the Member of Health does not know what his Royal Instructions tell him to do, he had better get a copy and read it because he is empowered to do something along with the Governor and not this Backbench. We do not need a motion. This country does not need a motion for that; the country needs a new Government. If I were a Member of Executive Council I would hold the same position regarding capital punishment that I do today. That is if you wantonly take a person's life, if you plan the death of a young girl and rape her and cripple her, as has happened; if you go to a woman's window, an old lady, an upright woman in my constituency, and shoot her, you deserve the death penalty. I would accordingly inform the Governor, and I am coming to that matter of the Governor's letter that the Member referred to.

When this letter was sent out to us on the 30th of January 1990, it said nothing about the abolition of capital punishment. How then can the Member for Health say that we should have done something about it then? Why will he constantly mislead the people of this country? I will read the letter into the *Hansard*. You know he should take a lesson from the debate on the Public Accounts Committee when he challenged me about evidence, but he has not, nor does he choose to remember. I said this morning that the laying on of hands cannot make one a Bishop.

Madam Speaker, when this letter was sent everyone knew what the position was in this country regarding the Governor and the Members of this House. There was a big uproar in this country and the Governor was not talking to us. He would pass us and neither a good morning nor a good evening was said. We had no conversation with the Governor although he was Presiding Officer of this House. The only time we got to speak to him was when he was in the Chair and he was in full command and insulted us whenever we said anything to him that he did not like. So that was not the atmosphere in which to talk to him. But during the course of the year, I had occasion to talk to him, and another time with the Members of this Backbench. When I had occasion to talk to him on another matter, he asked me why I had not replied to the letter, and I said, "Mr. Scott, you have the power in your hands in this country and you must use it." That is what I told him, and I will tell him so again!

With regard to our constituents, several meetings were held during 1990 where I talked about it. So do not tell me that we had not spoken to our constituents about it. We referred to the letter and in that reference was the fact that the Governor did not need our advice, but needed the advice of the Executive Council and he should have gotten on with the job. That is what I told the people of my district.

I am about to read this letter because I think that it is very

relevant to the debate at hand, but I notice that it is now 4:30 p.m.

MADAM SPEAKER: The Honourable Member has four minutes left according to my time.

MR. W. McKEEVA BUSH: Thank you, Madam Speaker.

"CONFIDENTIAL - PERSONAL

From the Office of the Governor
Grand Cayman, Cayman Islands

30th January, 1990

CAPITAL PUNISHMENT

Northward Prison contains a number of persons convicted of murder. One murder case involving three people is likely during the next few months to reach the stage where all three will have exhausted, or decide not to pursue the full channels of appeal open to them.

At that point, clause (13) of the Royal Instructions, 1972 will come into operation. This Instruction provides that a written report of the case by the judge who tried it, together with such information as the Governor may require, is taken into consideration at a meeting of the Executive Council. The pardon or reprieve of the offender is decided upon by the Governor in his own deliberate judgement.

With full respect to the Executive Council, it is important that the Governor should have available as broad an expression of community opinions as is feasible, and if possible some estimation of the views of the silent majority."

Madam Speaker, if the bunch of them had believed this letter, why in the world did they not have a referendum, or they themselves call a public meeting, as they usually do when they have a big national issue, get out there and say, "We have this to do, what do you think about it?" Why did they not do it?

I further quote:

"Accordingly, I invite you to discuss with me the matter of capital punishment. Later it may be appropriate to call a private meeting of all Members of the Assembly for further discussions."

That meeting was never called for that purpose, although we discussed the matter in another meeting, briefly.

"If you are agreeable to an individual meeting, I would ask you to approach the issue from two angles. First, your personal opinion on rational, religious etc., grounds. And second, as an Elected Member of the Assembly, to ascertain, assess and advise me of the view of your constituents. Any views expressed to me by individual Members would be treated as confidential."

That is the end, except for a short closing paragraph having nothing to do with the matter. But in case of doubt, I will read it.

"Would you please let my personal assistant (Telephone 9-7900 extension 2401), know where you are willing to discuss these matters and if so, a mutually convenient time can be arranged."

You tell me, Madam Speaker, where in this letter does it talk about the abolition of capital punishment, like the Member for Health said? Where is it? Madam Speaker, Miss Beulah Smith and Miss Genevieve Bodden used to tell me about a memory gem, and often quoted it to the whole class. I think most of us know that one: "Speak the truth, speak it ever, cost it what it will. He who hides the wrong he did, does the wrong thing still.". Maybe the Member for Health will have some time tonight to ponder his mistakes and pray for a change of heart.

Madam Speaker, I would like to know whether I am supposed to carry on tomorrow with the motion or, whether we will go into Government Business directly.

MOMENT OF INTERRUPTION - 4:33 P.M.
STANDING ORDER 10(2)

MADAM SPEAKER: Well, it is now the moment of interruption. I do not know what the wishes of the Members are, whether we would wish to continue the winding up of the debate tomorrow?

SUSPENSION OF STANDING ORDER 14(2)

HON. THOMAS C. JEFFERSON: Madam Speaker, maybe I should be bold enough to say, why do we not allow him to finish? He is almost finished.

MADAM SPEAKER: Well, I am in the hands of Members. Do the Members agree that the Member should conclude?

MR. W. McKEEVA BUSH: We have a meeting set down for Finance Committee, and I said earlier this morning that my voice is giving me some problems. I would finish tomorrow because I do have quite a bit left to deal with, or Thursday. I am just in the hands of the House.

HON. THOMAS C. JEFFERSON: I am afraid that I am not as lucid as I thought I was. I was referring to tomorrow morning to allow him to finish before the Government Business begins.

MADAM SPEAKER: Would Honourable Members be in favour of that? Can I have a....

HON. THOMAS C. JEFFERSON: Yes.

QUESTION PUT: AGREED. STANDING ORDER 14(2) SUSPENDED TO ENABLE PRIVATE MEMBERS' BUSINESS TO HAVE PRECEDENCE OVER GOVERNMENT BUSINESS AT TOMORROW'S SITTING TO ENABLE THE PROCEEDINGS ON PRIVATE MEMBER'S MOTION NO. 8/91 TO BE CONCLUDED.

MADAM SPEAKER: Well, the debate will continue tomorrow. We will now have the adjournment. After that we will go into Finance Committee.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the adjournment of this Honourable House until 10 o'clock tomorrow morning.

MADAM SPEAKER: The question is that this Honourable House do now adjourn until 10 o'clock tomorrow morning. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM SPEAKER: The Ayes have it. The House is accordingly adjourned until tomorrow morning at 10 o'clock.

AT 4:34 PM THE HOUSE STOOD ADJOURNED UNTIL 10:00 AM FRIDAY, 21ST JUNE, 1991.

**FRIDAY
21ST JUNE, 1991
10:08 A.M.**

MADAM SPEAKER:

Prayers by the Honourable Second 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 Speaker of the Legislative Assembly, 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.

Let us say the Lord's prayer together:

Our Father who art in Heaven, Hallowed be Thy Name, Thy

Kingdom come, Thy will be done 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.

MADAM SPEAKER:

Please be seated.

Proceedings are resumed. Questions No. 98, the First Elected

Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS

MR. ROY BODDEN:

Thank you, Madam Speaker.

Before asking this question I crave the indulgence of the Chair to enquire as to when I might expect an answer from the questions previously asked by this Member and which were deferred? Standing Orders compel that we submit the questions at least five days before and I always take time to submit mine well in advance of the required time.

MADAM SPEAKER:

Can the Honourable Third Official Member indicate when replies to questions which were not dealt with yesterday will be forthcoming?

HON. J. LEMUEL HURLSTON:

Madam Speaker, going back to the first day's Order Paper there were two questions deferred in my name. None were asked by the First Elected Member for Bodden Town.

On the second day's Order Paper there were two questions asked by the First Elected Member for Bodden Town the answers to which were not available then and in the case of the question about non-Caymanians holding taxi licences, Question No. 87, the answer to that is still not ready. The answer to Question No. 86 about the number of posts in the Civil Service in the last five years is also not yet ready. These will be answered as soon as the answers become available.

DEFERRAL OF QUESTION NO. 98

Madam Speaker, while I am on my feet I may as well save the time of the House and say that in respect of the question that the Member is about to ask - No. 98 - that is also not yet ready.

MADAM SPEAKER:

Thank you.

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Madam Chairman, as a supplementary on this question, may I ask what is the reason for the delay? It is highly unusual for Parliamentary Questions not to be answered.

HON. J. LEMUEL HURLSTON:

Madam Speaker, I am doing the best that I can, and I will answer the questions as soon as the answers and information become available. For example, the answer to the question that is about to be asked (No. 98) requires going through of over 3,000 records manually. As soon as the

answers become available they will be provided.

MADAM SPEAKER:
Communications.

Thank you. The Honourable Member for Works and

HON. LINFORD A. PIERSON:

Madam Speaker, if I could throw a little light on this. It would seem that the time in which questions are getting to the Portfolios is not sufficient enough to get comprehensive answers to the questions. As a matter of fact, on Friday last, I got 15 questions and the House was resuming (or hoping to) on Wednesday. Now, it could be that the five days are somewhat short, and perhaps the Standing Orders should be amended at some stage to increase that time. Up to yesterday questions were being delivered to Members, so this is much too short in order to get proper answers to some of these questions on time.

MADAM SPEAKER:

Honourable Members, I do appreciate the situation, and the staff, I know, have been doing their best, but I think it would be in order if an Honourable Member is unable to supply the answer to a question he would so indicate the reason for the delay. In the case of No. 98 I think we can all understand that this would take considerable time if 3,000 records have to be gone through. I think it would be satisfying to the Members asking the questions, if an indication could be given that the research is going to be a lengthy one and considerable delay might be entailed thereby.

The Third Elected Member for George Town. Please, we are not going to have a debate on this I hope.

MR. TRUMAN M. BODDEN:

No, Madam, I would just like to very briefly say that the same as it is difficult for Government to deal with questions at short notice, it is 10 times more difficult for the Backbench to deal with major Legislation that is only given to them a few days before the fact. It is reciprocal - you try to help us - we will try to help you.

HON. D. EZZARD MILLER:

You get it 14 days in advance.

STANDING ORDER 23(5)

In accordance with the provisions of Standing Order 23(5) the question was accordingly deferred.

MADAM SPEAKER:

Can we now go on to question No. 99, please? The First Elected Member for Bodden Town.

MR. ROY BODDEN:

Thank you, Madam Speaker, this question is addressed to the Honourable Third Official Member with responsibility for Internal and External Affairs and it reads:

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

NO. 99: Will the Honourable Member say what kind of equipment is presently used by the Police Department for drug interdiction, marine patrols and search and rescue operations?

ANSWER: The Drug Squad have basic drug testing equipment and weighing scales. Other specialist equipment is available, but details must remain confidential as the information would be of use to persons involved in the illegal drugs trade.

The Royal Cayman Islands Police currently has no marine capability, but submissions for the purchase of a small launch and a larger vessel are being made in the light of recommendations contained in the recently received Report of the Dependent Territories Maritime Capabilities Study.

Search and rescue operations are coordinated from the police control room using the services of public and private sector vessels and the United States Coast Guard, if necessary.

MADAM SPEAKER:

First Elected Member for Bodden Town.

MR. ROY BODDEN:

Madam Speaker, with your indulgence, on a purely procedural matter concerning question No. 98, may I ask your permission to read that question into the record and then the Honourable Member to whom it is addressed can inform the House that the answer has to be deferred. Otherwise my question will not be on the records in the Hansard.

MADAM SPEAKER:

Although you did not read out the question Honourable Member, it would be on the Order Paper but quite rightly not recorded, and the Honourable Member did say that he was requesting leave of the House to defer answering this question because a number of records, in fact 3,000 records, have to be gone through. I think it would be in order if the question were to be read so it could be recorded.

MR. ROY BODDEN:

Thank you, Madam Speaker.

Deferred Question No. 98 was then read into the records.

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

NO. 98: Would the Honourable Member say what is the rate of recidivism for the following convictions: (a) Drug Offences; (b) Burglary; (c) Driving while intoxicated; (d) Assault; and (e) Disorderly conduct?

MADAM SPEAKER:

Thank you. We can now proceed to question No. 99 the answer which has been given? Supplementary, the First Elected Member for Bodden Town.

SUPPLEMENTARIES (to Question No. 99)

MR. ROY BODDEN:

Thank you very kindly, Madam Speaker.

I wonder if the Honourable Member could say when the Government intends to acquire a craft suitable for Marine patrol by the marine arm of the Royal Cayman Islands Police Force?

HON. J. LEMUEL HURLSTON:

During the course of this year if possible, Madam Speaker.

MADAM SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

Thank you, Madam Speaker.

I wonder if the Honourable Member could say with what groups or bodies has consultation been made, and if the decision to purchase a specific type of craft has been made as yet? Who were consulted and what were some of the criteria used?

HON. J. LEMUEL HURLSTON:

I cannot answer that supplementary, Madam Speaker, with any degree of detail. I can simply say that the Government is considering the matter thoroughly and only when a thorough and full feasibility study has been completed will any decision as to the specific type of craft will be made.

MADAM SPEAKER:

The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN:

Thank you, Madam Speaker.

Would the Member say if the police now have at their disposal any boats at all to do interdiction at sea or do they rent boats from private persons?

HON. J. LEMUEL HURLSTON:

Madam Speaker, the answer said that the police have no Marine capability at the moment. They do have access to a number of private vessels for emergency use and these vessels are usually put at the disposal of the police at no cost.

MADAM SPEAKER:

The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN:

Madam Speaker, in respect of Government or the police not having any boats at this time, has Government recouped any money from the vessels that have been destroyed one way or another by the police in terms of insurance or has the police been found guilty of mismanagement or ill use of these crafts?

HON. J. LEMUEL HURLSTON:

Madam Speaker, the Government has received settlement of the full insured value of Lima II which was the last vessel to have been lost in an accident. Full settlement of the insurance has been received by the Government.

As far as the second part of that supplementary, the necessary internal inquiry was undertaken by the Police Department and no one was found negligent or blameworthy as a result of that inquiry.

MADAM SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

Thank you, Madam Speaker.

In light of the answer that the Government does not now possess any launch capable of carrying out search and rescue operations, how are requests for such operations met by the Government?

HON. J. LEMUEL HURLSTON:

Requests for such operations are met by enlisting the cooperation and support of private citizens and private sector resources that have been readily made available to

the Police Department and to the Government generally.

MADAM SPEAKER: Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, I would like to ask the Member if this arrangement is not highly unacceptable to Government and does it not place Government in a position of liability where boats of private individuals and private citizens are getting involved in this type of activity which is clearly police work?

HON. J. LEMUEL HURLSTON: Madam Speaker, there is no liability in as much as the boats that are put at the disposal of the Government are operated by the owners of such boats and they themselves carry the liability for the use of their own craft.

MADAM SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I would like to ask two supplementaries. One - are there written agreements to this effect between the Government and these boat owners? Secondly, in the case of drug interdiction what is the procedure now? Are these people also used for drug interdiction or are they mainly and exclusively used for search and rescue operations?

HON. J. LEMUEL HURLSTON: Madam Speaker, in the main, the services that I was describing are used for emergency purposes primarily those of search and rescue. So far as interdiction is concerned the only vessel that is at the disposal of the authorities at the moment on a regular basis is the Customs launch.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, to the Third Official Member. As the entire fleet of Police vessels has disappeared, have any steps been taken to reorganise this section of the Police Force so as to guarantee that this will not occur again if Government is able to provide new vessels?

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker, the answer originally made reference to the recent receipt of a study carried out on Dependent Territories Maritime Capabilities. That study has made certain recommendations which the Government is presently considering and once such of those recommendations, as are implemented based on the constraints of resources, we are hoping that some considerable improvement will be made in the standard and quality of marine services in the very near future.

MADAM SPEAKER: Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, would the Member elaborate on the report of the Dependent Territories Maritime Capabilities Study to the extent of who did this study; what are the general terms and what are the recommendations of it?

HON. J. LEMUEL HURLSTON: Madam Speaker, the Dependent Territories Maritime Capabilities Study was carried out at the expense of the British Government during October last year. It was conducted by a Mr. Ron Thompson, a former retired Commissioner of Police from the British Virgin Islands and he was accompanied by a Royal Navy Captain, Captain Critchley, and they were joined by a Lieutenant Commander of U.S. Coast Guard from Washington. Those three Officers visited all of the British Dependent Territories in the Caribbean, took assessments of their existing resources and arrangements and made a report which included recommendations for enhancing and improving the facilities and operations of marine resources in all the Dependent Territories.

The general recommendation is that these territories do need to strengthen and improve the management capability of their maritime resources and in particular territories require at least one general purpose vessel that is capable of going considerable distances in all kind of weather for patrolling coastlines etcetera, and carrying out search and rescue operations in addition to other law enforcement responsibilities. They generally recommend one large multi-purpose launch and a smaller resource for in-shore work.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Thank you, Madam Speaker. Does the Member realise that the Registrar of Shipping, Mr. McNaughton, in imposing the many restrictions that I understand have gone on on vessels here has restricted some of the larger vessels or boats that you use for rescue to 30 miles from the Island?

HON. J. LEMUEL HURLSTON: Madam Speaker, Mr. McNaughton is not the Registrar of Shipping but is the Government's Chief Marine Surveyor, and yes, the Government is aware of a 30 mile restriction placed on the load-line of certain vessels that have historically been used to assist the Government in search and rescue matters. In such instances, where those vessels are required to go longer distances, permission is

obtainable and it has happened already in the past.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, does the Member mean to say that if a ship is in distress in the middle of the night you have to search for Mr. McNaughton to get permission to use a boat that cannot go beyond the 30 miles because he has restricted it? Is that the situation now?

HON. J. LEMUEL HURLSTON: No, Madam Speaker, that is not the situation. An emergency is exactly what it is - an emergency. It is dealt with accordingly.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Are you saying that the ships that are restricted to 30 miles, you can order them to go out or request them to go out and they can legally go out beyond the 30 miles for rescue?

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker, that is exactly what I am saying.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Where exactly is the authority for this?

HON. J. LEMUEL HURLSTON: I do not know, Madam Speaker.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Yes, Madam Speaker, may I ask who would be liable?

HON. J. LEMUEL HURLSTON: Madam Speaker, my understanding is that the restriction placed on load-line certificates are restrictions that appertain to the normal day-to-day operation of the relevant vessel. Vessels responding to requests for assistance of a search and rescue nature, or any other kind of emergency, respond under Rules of International Assistance that are not subject to the normal day-to-day restrictions of their load-lines. Vessels that respond to international calls for assistance respond on the basis that such assistance is urgently needed and they respond to the extent of their capability.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Lastly on this, Madam Speaker, is the Member saying that a vessel that is restricted from going beyond 30 miles in good weather, is requested and/or ordered to go out normally in very bad weather beyond 30 miles and is then safe?

HON. J. LEMUEL HURLSTON: Madam Speaker, a vessel that is operating in a passenger-carrying capacity normally and which discharges its passengers and puts to sea in an emergency rescue operation will put to sea to the extent of its capability. That capability is determined by the captain of the vessel.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Thank you, Madam Speaker.
I would like to ask the Member if in the recommendations and the study there were recommendations for using purpose built vessels or specialised boats for this particular activity? Or, will it be left to the discretion, as it was before, of the authorities here to decide on a Boston Whaler or whatever?

HON. J. LEMUEL HURLSTON: Madam Speaker, the report that I referred to earlier stops short of making specific recommendations to each territory. It simply describes in very generic terms the type of uses and the type of requirement and capability that the vessel selected by the respective territories ought to have. It is now up to each territory to use that information in guiding itself through the selection process.

MADAM SPEAKER: We will proceed to Question No. 100.

MR. ROY BODDEN: Thank you, Madam Speaker.

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

NO. 100: Would the Honourable Member say what is the role and function of the Special Constabulary?

ANSWER: The role of the Special Constabulary is to supplement regular officers on ordinary duties and on special occasions, such as the Queen's Birthday Parade.

In the event of serious civil unrest, members of the Special Constabulary would be called upon to assist in the manning of police stations to release regular officers for street duty.

Members of the Special Constabulary receive initial training and refresher training as necessary. These public-spirited volunteers are greatly appreciated by the Commissioner and members of the Royal Cayman Islands Police.

SUPPLEMENTARIES

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
Is it an acceptable practice then, that in normal times and under normal circumstances the Special Constabulary patrols with the regular police?

HON. J. LEMUEL HURLSTON: Madam Speaker, there are a number of Special Constabulary Officers who volunteer and engage regularly in operational duties. For example, five Special Constables work on a regular voluntary basis in West Bay, four in Bodden Town, one in George Town and one in the Traffic Department.

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: Thank you, Madam Speaker.
I wonder if the Member would advise this House as to what authority these Special Constables have with regard to arrest, etcetera?

HON. J. LEMUEL HURLSTON: Madam Speaker, my understanding is that whilst engaged in their duties as Special Constables they have the same duties and powers as a Constable.

MADAM SPEAKER: The Elected Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, a supplementary.
I wonder if the Member could say whether the qualifications for a Special Constable are the same as a Police Officer?

HON. J. LEMUEL HURLSTON: Generally speaking, yes. We would look for persons with the same basic qualifications, but a person would not be ruled out if he volunteered and did not meet 100 per cent of that criteria simply because he is a volunteer and is used on special occasions.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Madam Speaker, would the Honourable Member say whether he has looked at the possibility of using the Special Constables more often and perhaps compensating them a bit? For example, if you are low on men in some area you could have one Police Constable and one Special Constable on the patrol and the beat or something of that sort.

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker, in fact the Special Constabulary currently consists of 169 persons, 20 of whom have been newly appointed in 1991. Letters have recently been sent to 149 Specials in an effort to ascertain the amount of interest these individuals still have in the Special Constabulary. Seventy replies have so far been received.

MADAM SPEAKER: The Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, I wonder if the Member could say what portion of the figures he has just given are Caymanians?

HON. J. LEMUEL HURLSTON: No, Madam Speaker, I do not have the breakdown but I can assure the House that the majority are Caymanians.

MADAM SPEAKER: The Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, from the question answered a while ago, mention was made that powers are the same for a Special Constable. My question is, at the time that they enter the Service do they do the same exams as the regular police?

HON. J. LEMUEL HURLSTON: No, Madam Speaker, special training is give to the Special Constable because they are engaged in more specific types of duties. They do a different introduction course than

the regular officers.

MADAM SPEAKER:
Elected Member for Bodden Town.

The next question No. 101 standing in the name of the First

MR. ROY BODDEN:

Thank you, Madam Speaker.

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

NO. 101: Will the Honourable Member say what are the grounds under which employment is terminated in the Government Service?

ANSWER: The grounds under which employment in the Government Service may be terminated include:

- (a) Unsatisfactory probation. To be confirmed to the Permanent and Pensionable Establishment it is first necessary to undergo a period of probation. Should the employee fail to reach an acceptable standard of conduct and performance during his period of probation (which may be extended to allow more time for the employee to improve) the employment will be terminated.
- (b) Non re-engagement after completion of a fixed period of employment, or termination before the expiry of the term of employment in accordance with the terms of the agreement.
- (c) Dismissal; grounds for which include gross misconduct, inefficiency, striking, absence without leave, criminal convictions.
- (d) Retirement on grounds of: incapacity due to age or illness; inefficiency; redundancy. An officer may also be required to retire for the purpose of facilitating improvement in the organisation of the Department to which the employee belongs, or when he reaches the retirement age of 60.

An officer may also terminate his service with the Government by resigning, or by retiring on or after Reaching minimum retirement age.

SUPPLEMENTARIES

MADAM SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

In those cases where the officer is dismissed, who institutes the dismissal procedure and what exactly is that procedure?

HON. J. LEMUEL HURLSTON:

Madam Speaker, there are two procedures depending on the category and level of employee. If I could describe it in these two general ways - for group employees, that is, persons employed on a hourly or weekly wage, dismissal is effected by simple termination by the Head of the Department.

In the case of an Officer employed on pensionable terms, the procedure is that the Head of the Department must conduct a departmental enquiry, and submit that enquiry together with the evidence to the Administrative Secretary. The Administrative Secretary, once satisfied that there is a prima facie case to be answered will, make a recommendation to the Public Service Commission who, depending on the nature of the offense, may advise His Excellency the Governor immediately, on dismissal proceedings or may move to a more complex phase of setting up a Tribunal to consider the matter in more depth and to provide the Officer with an opportunity to exculpate himself after which a recommendation is made.

MADAM SPEAKER:

First Elected Member for Bodden Town.

MR. ROY BODDEN:

Thank you, Madam Speaker.

May I ask the Honourable Member what the difference in procedure is between an officer being dismissed and an officer being retired when that retirement is not voluntary?

HON. J. LEMUEL HURLSTON:

Madam Speaker, in the case of dismissal there are no terminal benefits. In the case of retirement there are retirement benefits. That is the basic difference.

MADAM SPEAKER:

First Elected Member for Bodden Town.

MR. ROY BODDEN:

Thank you, Madam Speaker.

May I then ask, is it common practice for an Officer being dismissed or retired to be one of the last persons notified of his or her dismissal or retirement?

HON. J. LEMUEL HURLSTON:

No, Madam Speaker, it is not normal. In fact, most of us who

work in the Public Service anxiously look forward to such dates.

MADAM SPEAKER: The Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, a supplementary.
I wonder if the Member could say the length of time it takes after an Officer is suspended, for example on half-pay, to be terminated?

HON. J. LEMUEL HURLSTON: Madam Speaker, it depends on the complexity of the individual case. We have had cases where it has taken months to complete the process of going through the charges and the Tribunal phases and it is usually at that time that the matter is prolonged because Tribunals have to take evidence in some detail, they have to have that evidence transcribed and then they have to submit a report. We have experienced some delays when we have had to go through that particular process but it is surely because of the extended procedures that are gone through why sometimes delay is inevitable.

MADAM SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
I wonder if the Honourable Member could say if there are any cases now in existence such as he just described?

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker, there are a few cases in the pipe-line now that fit that description.

MADAM SPEAKER: The Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, I wonder if the Member could say what the situation is when an officer is told that both cases have been heard by the Tribunal and by the Department concerned and yet he is still suspended?

HON. J. LEMUEL HURLSTON: Madam Speaker, perhaps in that case the work of the Tribunal has been completed but the decision of the Public Service Commission and His Excellency the Governor has not yet been arrived at.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: A while ago the Member said in reply to a question put by the First Elected Member for Bodden Town, that there are retirement benefits when someone is forced to retire. Is the forced retirement being used as a means of dismissal and at whose discretion does the terminal benefits lie?

HON. J. LEMUEL HURLSTON: In the answer that I gave, Madam Speaker, one of the options is to request an Officer to retire for the purpose of facilitating improvement in the organisation of the department to which the Officer belongs. In those cases the retirement is initiated by the employer and the benefits are determined in accordance with the Pension Law and the Regulations and as we know, those at the moment are at the discretion of His Excellency the Governor.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
I would like to enquire of the Honourable Member what guarantees are there, in the case of forced retirement, that an Officer cannot be forced to retire just because his or her superior does not like his method of operation or their presence in the office?

HON. J. LEMUEL HURLSTON: There are avenues and recourses that Officers may deploy to seek redress to that type of scenario and there is no reason for an officer to accept such a recommendation without making suitable and appropriate representation. However, when an Officer has reached retirement age there is little alternative except in those cases where it is mutually beneficial, both on the part of the employer and employee, to seek to continue that employment beyond the normal retirement age.

MADAM SPEAKER: The Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, I would like to ask the Member when a case is heard by the Tribunal and Department concerned is it normal for Government to try and re-charge the Officer if nothing could be proved in the first instance?

HON. J. LEMUEL HURLSTON: No, Madam Speaker.

MADAM SPEAKER: The First Elected Member for Bodden Town.

- MR. ROY BODDEN:** Thank you, Madam Speaker. I would like to ask the Honourable Member if these conditions apply equally to the teaching profession as they do to the regular Civil Service?
- HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker.
- MADAM SPEAKER:** The Member for East End.
- MR. JOHN B. McLEAN:** Madam Speaker, I wonder if the Member could say whether or not it is correct that at present the situation that I just mentioned exists with a school teacher?
- HON. J. LEMUEL HURLSTON:** Madam Speaker, I did say that there were a number of cases currently in the pipe-line. I do not wish to comment any more beyond that.
- MADAM SPEAKER:** The Member for East End.
- MR. JOHN B. McLEAN:** Madam Speaker, I wonder if the Member could say whether he is confirming what I just asked? Is this a new case brought against the person, is this what he is saying that is in the pipe-line?
- HON. J. LEMUEL HURLSTON:** Madam Speaker, where criminal charges have not been brought, for whatever reason, the employer reserves the right, nevertheless, to determine for itself by internal disciplinary enquiries as to the suitability and appropriateness for the continuation of an employment, in whatever the circumstances there might be. The absence of criminal charges of itself does not determine the need for disciplinary proceedings within the organisation.
- MADAM SPEAKER:** The Member for East End.
- MR. JOHN B. McLEAN:** A further supplementary, Madam Speaker. I wonder if the Member could say or could explain to the House the difference when the Department has carried out an investigation and has informed the individual that nothing was found; the police did the same and he was informed that the files were closed, nothing could be found and he did have every recommendation that was possible from the school and that he was a good teacher?
- HON. J. LEMUEL HURLSTON:** Madam Speaker, I think I have to decline to comment any further as I think the Member could be inviting comment on a case that is still pending.
- MADAM SPEAKER:** Question No. 102, the First Elected Member for West Bay.
- THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES**
- NO. 102:** Can the Honourable Member say what is the timetable for the introduction of the National Health Insurance?
- ANSWER:** It is my intention, at the present time, to introduce a Bill on National Health Insurance in March of 1992.

SUPPLEMENTARY

- MADAM SPEAKER:** The First Elected Member for West Bay.
- MR. W. McKEEVA BUSH:** Madam Speaker, can the Honourable Member say whether the Bill will mean a Government run National Health Insurance or National Health Insurance meaning that everyone must have it whether privately or by Government?
- HON. D. EZZARD MILLER:** Madam Speaker, that is left to be finalised.
- MADAM SPEAKER:** Question 103, standing in the name of the First Elected Member for West Bay.
- THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES**
- NO. 103:** Could the Honourable Member give a breakdown of the amount spent of the one million dollars contained in the 1991 Estimates for Hospital Design Works, and how will the construction of the new hospital be funded?

ANSWER: To date none of the funds allocated in the 1991 Budget for the design of the new Cayman Islands Hospital have been spent. The construction of the new Hospital will be funded through loan funds.

SUPPLEMENTARIES

MADAM SPEAKER: The Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, I wonder if the Member could say whether these funds will be raised locally or from abroad?

HON. D. EZZARD MILLER: From the cheapest source, whether it is locally or abroad.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Can the Honourable Member say the amount of the loan which will be required or can he give an estimate of what loans may be required?

HON. D. EZZARD MILLER: Very preliminary estimate of about CI\$16 million.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Does the Member therefore intend adding that debt to the projected \$42 million loan at the end of this year or will it be over a couple of years?

HON. D. EZZARD MILLER: I would say if it was taken out in 1992, it will be charged to that year and guaranteed by Government to the Health Services Authority.

11:00 A.M.

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

MADAM SPEAKER: The time is now 11:00 o'clock.

HON. THOMAS C. JEFFERSON: Madam Speaker, I believe it may be the wish of the House that I move a suspension in accordance with Standing Order 83, that Standing Order 23(7) and (8) be suspended to allow the other questions and supplementaries to be taken.

MADAM SPEAKER: I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM SPEAKER: The Ayes have it.

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

SUPPLEMENTARIES CONTINUING

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: In light of the answer given by the Member for Health, could he say if any work has been gauged to be done on the design of the Cayman Islands Hospital or why is it that up until the middle of this year no money has been expended?

HON. D. EZZARD MILLER: The consultancy is being handled by the Central Tenders Committee and they expect to select the tender and sign the contract by the 17th of August this year.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member say, now that the Central Tenders Committee is dealing with this matter, is this the reason why it is somewhat slower than when he directly dealt with the contracts with IHC?

HON. D. EZZARD MILLER: That is an opinion of his on which I do not desire to comment.

MADAM SPEAKER: Question No. 104 standing in the name of the Third Elected Member for George Town.

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

NO. 104: Would the Honourable Member say what the Government is doing to repair the many potholes and deteriorated shoulders of the roads in George Town and how much is the estimated cost of repairing and upgrading them to a reasonable standard?

HON. LINFORD A. PIERSON: In answering this question, Madam Speaker, I would observe, as mentioned earlier, that this question was tabled on the 14th of June, which is in keeping with Standing Orders 21(1), which states that five days should be given prior to the commencement of the meeting. But the point that I would wish to make is that effectively and in practical terms, since three of these five days were holidays, that only two days were given to my staff to prepare the answers. And if in accordance with Standing Order 23, the proper objective of the question is to obtain information, then this short time could be counterproductive. The answer Madam Speaker:

ANSWER: Potholes are more prevalent at the present time following the recent rains. The potholes are repaired by the Public Works Department on a day-to-day basis as and when required. Permanent durable patches are only possible during dry weather and when hot-mix is available. When these conditions are available, the Public Works Department deploys extra crew to effect permanent repairs.

The asphalt surfaces of the main roads in George Town are now some 15 years old and will require upgrading in the near future. Upgrading would address the need for new sidewalks, drainage, shoulders and repairs to the base before replacement of the expensive hot-mix surface was undertaken. This whole matter is currently being addressed by the GRIPS Committee and will include recommendations and preliminary estimates of cost in its report.

SUPPLEMENTARIES

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
I would like to ask the Honourable Member if there is a schedule of maintenance or if the repairs are done on an ad hoc basis necessitated by the exigencies of the moment?

HON. LINFORD A. PIERSON: Madam Speaker, I believe that that answer is already available to the Member because procedure that is followed is that at the beginning of each year the Member, together with the respective representative of districts, visit the various districts and on the basis of information received work is carried out in accordance with the constraints of the Budget. Not all requests are possible because of financial constraints on the budget. There is a schedule that is followed as closely as possible within the ambit of the budget prepared.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member say why it takes Public Works so long to take care of the repairs to potholes and other damaged services when it is evident what needs to be done? Assuming the funds and material are available, why is it that business can be conducted so much faster when new roads are to be put in such as the Jennett L?

HON. LINFORD A. PIERSON: Madam Speaker, as mentioned in the substantive answer the potholes are repaired normally after the rainy weather, or that was what was inferred, normally after the rainy weather when the rain has dried up and it is possible to put the hot-mix into these areas. It is not possible during the rainy weather to do this and most of the repairs are necessary after the rainy weather.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Thank you, Madam Speaker.
Would the Member say whether it is not correct that more months of the year are dry than are wet?

HON. LINFORD A. PIERSON: Unfortunately, Madam Speaker, one of my subjects is not meteorology. I believe that the Member also is aware of the undue amount of rain that we have had this year which, really, I have no control over.

MADAM SPEAKER: Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Does the Member give the repair of main roads priority to new roads or expansion of roads and, secondly on that, does he realise that as every rainy season goes by the road deteriorates worse and worse in comparison to the year before?

HON. LINFORD A. PIERSON: To answer the second part first, Madam Speaker, each year funds are provided in the Budget to address the question of repairs. So yes, the Portfolio and Government, as in past Governments, realise that it is necessary to carry on an annual service of repairs.

Regarding the first part of the question, there is a distinct difference between repairs and capital works so his reference to new roads, I assume, is referring to new capital works. Proper attention is given to both areas of work being done.

MADAM SPEAKER: The Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, I would like to ask the Member if there is a group specifically assigned for patching potholes and road maintenance, and as many requests have been made by a Member for assistance in his area, what is the hold up by Public Works Department?

HON. LINFORD A. PIERSON: Madam Speaker, emergency repairs to potholes usually take priority. Patching similar roads in subdivisions really take a secondary position but the whole question as to how much work can be done within any district depends on the amount of funds allocated in the Budget for that particular work.

MADAM SPEAKER: The Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, I wonder if the Member could say exactly how much was in the Budget this time for maintenance of roads?

HON. LINFORD A. PIERSON: Madam Speaker, approximately for the whole island, \$400,044.00. In regard to East End, I do not have the specific amount available, but that information can be provided to the Member if he so requires.

MADAM SPEAKER: The Member for East End.

MR. JOHN B. McLEAN: I wonder if the Member would say whether he believes this amount is sufficient for all districts for the year?

HON. LINFORD A. PIERSON: Definitely not, Madam Speaker. I would like to have twice that amount.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member then please say why he refused to increase that amount to twice the amount when the Backbenchers requested Government to put twice the amount?

HON. LINFORD A. PIERSON: Madam Speaker, it appears to me that the questions are deteriorating, but if it has to go in to politics I think that Member knows precisely why this Government has been hamstrung between the period 1988 to date.

MADAM SPEAKER: The Third Elected Member for George Town. Please, a question, are you asking a supplementary?

MR. TRUMAN M. BODDEN: A supplementary in relation to this, Madam Speaker. Is the Member stating that this Government is hamstrung with putting through its Budget? This is a supplementary to what he has said. Or whether this Budget is the Government's Budget and they had control on what to do?

HON. LINFORD A. PIERSON: Madam Speaker, I think I have given sufficient information on that. I do not care to further comment on that point.

MADAM SPEAKER: Question No. 105 standing in the name of the Third Elected Member for George Town.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND AFFAIRS

NO. 105: Would the Honourable Member say what steps are being taken to establish a proper workshop for woodwork at Northward Prison?

ANSWER: A well-equipped and highly productive workshop is fully operational, and the fact that much woodwork assembly takes place outside the workshop does not detract from its productivity.

Whilst there are no immediate plans to expand the workshop, lack of suitable space being a constraining factor, consideration is being given to the possibility of relocation and expansion of the facility in the future.

SUPPLEMENTARIES

- MADAM SPEAKER:** The Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** Madam Speaker, would the Member say why he is going to relocate and expand the facility if it is a well-equipped and highly productive workshop? Is it not that there is some reason for this?
- HON. J. LEMUEL HURLSTON:** The reason for that, Madam Speaker, is that there is a limit to the expansion that can take place in the existing location. So expansion will only be feasible in a new location.
- MADAM SPEAKER:** The Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** Is it not that this workshop is in a fairly cramped or small space and more space is needed to develop it?
- HON. J. LEMUEL HURLSTON:** Absolutely correct, Madam Speaker. The existing woodwork shop was a class-room that was converted for the purpose when the facility was built.
- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Would the Member say if there is any priority consideration being given to this? It is my understanding that this is one of the areas where inmates, if they so desire, can learn a useful skill which can be used once they are out of prison.
- HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker, the Member is absolutely correct. It is one of the most popular activities and it is going to be given a suitable priority.
- MADAM SPEAKER:** Question No. 106 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE THE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

- NO. 106:** Would the Honourable Member say whether any investigation was carried out into the death of the Governor's dog, Raffles, which was hit by a motor car along the West Bay Road in the area of the Cayman Islander Hotel?
- ANSWER:** A normal investigation, as required under the Traffic Law, was conducted into the accident, which resulted in the death of His Excellency the Governor's dog.
- The investigation did not result in any proceedings.

SUPPLEMENTARIES

- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** For a police investigation to be carried out on such a matter, is that not unusual and perhaps the first instance that such has occurred?
- HON. J. LEMUEL HURLSTON:** No, Madam Speaker. Reference to the Traffic Law will indicate that any accident reported or unreported merits an investigation.
- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Madam Speaker, would the Member say if it is not correct that this was more than just a cursory investigation and that this was gone into at considerable length?
- MADAM SPEAKER:** That is seeking an expression of opinion, Honourable Member.
- MR. GILBERT A. McLEAN:** Madam Speaker, could I then ask the Member this? The person involved with this particular accident were they a civilian or what was the profession of the person in this case?

- HON. J. LEMUEL HURLSTON:** Madam Speaker, the person who was found to have been the driver of the vehicle was a female police officer.
- MADAM SPEAKER:** First Elected Member for Bodden Town.
- MR. ROY BODDEN:** Thank you, Madam Speaker.
I would like to ask the Honourable Member if the dog Raffles was licenced and if at the time of the accident was the dog walking in the accompaniment of a person or was the dog straying?
- HON. J. LEMUEL HURLSTON:** Madam Speaker, the dog was licenced. The dog had been accompanying His Excellency's wife while riding her horse along the beach. The dog chased after a pack of other dogs and went on the main road where it was accidentally killed.
- MADAM SPEAKER:** Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** A bit of a funny question but would you not have expected better of the Governor's dog?
- MADAM SPEAKER:** Second Elected Member for Cayman Brac and Little Cayman.
That will be the last question on the matter of the Governor's dog.
- MR. GILBERT A. McLEAN:** Madam Speaker, would the Member say if action was not taken against this female police officer to the extent that it was recommended she be dismissed but rather than do that, and face any kind of public reaction, that officer was transferred to Cayman Brac because of this particular instance?
- HON. J. LEMUEL HURLSTON:** Categorically, no such recommendation was ever made and any transfer that has subsequently taken place has had nothing to do with that incident.
- MADAM SPEAKER:** Question No. 107 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Thank you, Madam Speaker.
This question is directed to the Third Official Member responsible for Internal and External Affairs.
- THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE THE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS**
- NO. 107:** Would the Honourable Member say if Government at any time since January 1989 announced plans to investigate the feasibility of establishing local television in the Cayman Islands? If the answer is in the affirmative, what was the result of the survey?
- ANSWER:** The Government in January 1990, decided to consider hiring an expert to advise on the feasibility of establishing an national television service. A decision on obtaining such expert advice has not been made to-date. Consequently the feasibility study remains to be undertaken. Meanwhile a preliminary review submitted by an expert is being used as necessary.
- SUPPLEMENTARIES**
- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman. The Second Elected Member, please.
- MR. GILBERT A. McLEAN:** Madam Speaker, I will defer to the First Elected if he so wishes to put a question.
- MR. GILBERT A. McLEAN:(continuing)** Madam Speaker, I would like to ask the Member if the Government's decision, as has been reported in the press and through Government Information Service, to allow a franchise for a local television service has been done solely on the basis of limited findings by the Government into the whole matter of television?
- HON. J. LEMUEL HURLSTON:** Madam Speaker, the Member is referring perhaps to a temporary non-exclusive licence granted recently. That licence, Madam Speaker, is not a franchise. It is a non-exclusive one channel licence granted to a company for a period of six months.
- MADAM SPEAKER:** The First Elected Member for Cayman Brac and Little Cayman.
- CAPT. MABRY S. KIRKCONNELL:** Thank you, Madam Speaker.

the Government is contemplating does in fact include the Cayman Islands as the question says or does it only include Grand Cayman?

HON. J. LEMUEL HURLSTON: Madam Speaker, it includes the Cayman Islands.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Thank you, Madam Speaker.
Madam Speaker, can the Member say who was the expert who did the preliminary review?

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker, the preliminary review was conducted by a professional television consultant from Bedford, Texas, by the name of Ben West.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, will the Member say if the preliminary review by Mr. West has been made available to any private company?

HON. J. LEMUEL HURLSTON: Not by the Cayman Islands Government, Madam Speaker.

MADAM SPEAKER: Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Thank you, Madam Speaker.
Would the Member say who paid for this preliminary review and who employed this gentleman, Mr. Ben West?

HON. J. LEMUEL HURLSTON: Madam Speaker, that preliminary review was done at Mr. West's expense as he was among one of a number of consultants being considered by the Government to be hired as a consultant. He conducted the preliminary review as part of his presentation and proposal to the Government. Therefore, that has cost the Government nothing.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Are you saying that this gentleman was applying for a television licence or franchise and presumed on a different company from the one that you have just granted it to, CITV? Is it on the basis of his preliminary review that Government is using this information?

HON. J. LEMUEL HURLSTON: No, Madam Speaker. Mr. West was not applying for a television licence. Mr. West was one of a number of candidates being considered by the Government - not for the provision of a television service but to be hired by the Government as an expert to advise the Government on the feasibility and technical aspects of the matter.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Thank you, Madam Speaker.
Can the Honourable Member say why did Government, before granting the licence, not appoint their experts?

HON. J. LEMUEL HURLSTON: Madam Speaker, there are two issues involved. The Government was considering hiring an expert to advise on the development of a national television service. The temporary licence that has been granted is not for a national television service.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, I would ask the Member to clarify for myself and this House exactly what is the information that he is giving? Is it not the case that he is saying the Government did not hire a consultancy to study the question of national development of television and is it not the case that the licence referred to as a temporary non-exclusive licence gives CITV the sole right at this time to put into play national television broadcasts within the Cayman Islands?

HON. J. LEMUEL HURLSTON: Madam Speaker, if I could suggest that perhaps if we moved onto the next question, No. 108 and took the supplementaries on these two questions together I think it might make the point be more expedient to the House.

MADAM SPEAKER: Thank you Honourable Member I was about to suggest that myself. Question No. 108 standing in the name of the Second Elected Member for Cayman Brac and Little

Cayman.

MR. GILBERT A. McLEAN:

Thank you, Madam Speaker.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE THE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 108: Would the Honourable Member state the chronology of Government's action since 1989 leading up to the award of a licence for local television broadcast by the Cayman Islands Television and Video Productions Company Limited (CITV)?

ANSWER: In October 1989 the Government invited expressions of interest (from the private sector) in the provision of a National television service. This was not an invitation for detailed or formal bids or offers. A copy of the press release is set out below.

In January 1990 it was decided to examine the availability of a qualified consultant to advise, and, if feasible, to assist in the necessary tender process. There were, at that time, two private sector groups expressing interest in satellite cable television and two further private groups expressing interest in a local broadcasting service. A number of possible consultants were identified, but a selection has not been made.

In December 1990 a locally owned company, CITV (who had been airing tapes since September 1990) sought approval in principle to establish a non-exclusive local broadcasting facility. This approval was granted in January 1991, subject to negotiating the relevant licence agreement. This licence agreement is still being negotiated. In the interim, a temporary licence was granted on 24th May, 1991.

(Press Release)

"Government Information Services

On the understanding that there may be some interest in the private sector in the provision of a national television service for the Cayman Islands, the Government of the Cayman Islands has issued an invitation to interested parties to indicate this.

As this is not an invitation for formal or detailed bids or offers, but simply to enable Government to assess whether they should proceed to that point, interest should be expressed in broad terms.

These terms should incorporate certain features which would be required in any proposed television service. Government would only be interested in discussing proposals which could meet those requirements.

These features are described as follows:

- (1) The service must be available, at an acceptable technical standard, to the population of Grand Cayman, Cayman Brac and Little Cayman.
- (2) The service must be primarily a local television facility for the production of local programmes on civic events, news, and of an educational and cultural nature.

Additionally, the service would include an offering of international and regional news and selected programmes legally obtainable for re-transmission in the Cayman Islands.

- (3) The service could be advertiser-supported (within certain limitations) and would be transmitted free of charge to residents of the Cayman Islands. An option to offer subscription service would be considered.
- (4) The content of programmes would be required to comply with standards to be set down and administered under legislation and regulations.

Any expressions of interest should be forwarded by mail to the Administrative Secretary, c/o Governor's Office, Government Administration Building, Grand Cayman."

MADAM SPEAKER:
Cayman.

The Second Elected Member for Cayman Brac and Little

MR. GILBERT A. McLEAN:

Madam Speaker, I would again like to pose the question, has not the Member said that a licence was granted to CITV to put into operation local television broadcast?

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker, a temporary licence valid for a period of six months has been granted to a company to engage in television broadcasting using one UHF channel. That is not a national broadcasting licence. One UHF channel is exactly what it says - one channel.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, one must be one and if it has been granted to this television operation and if, in the meantime, a licence is being worked out with this same entity, is it not the case that the Government has entered an agreement or given a licence to this entity to operate and is simply now working out the details of it?

HON. J. LEMUEL HURLSTON: No, Madam Speaker, I have to state categorically that the Government is not entertaining any applications from anyone for a national television broadcasting service. The application that the Member is referring to was an application for a non-exclusive licence. There are other applications that the Government may grant and therefore there is no need for one to think that the present licence being referred to is in anyway an exclusive franchise. It is not.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Thank you, Madam Speaker.
Can the Member say whether a national licence, as it is termed, was applied for by the present holder of the temporary licence?

HON. J. LEMUEL HURLSTON: No, Madam Speaker.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: I have two supplementaries, Madam Speaker. The first is whether the Government will have expert advice before they grant a full licence and secondly, whether the situation with CITV which is the only company which can broadcast to local persons, be it on one channel, is not the same as having an exclusive franchise? If no one else has it and only one has it, that is the same as one having it exclusively, is what I am asking.

HON. J. LEMUEL HURLSTON: Madam Speaker, the Government is carefully considering the use of expert advice to supplement its own resources in any area that is required to ensure that the best available advice is forthcoming. It is true that until and unless other licences are granted, that the person with the first and only licence would have the opportunity of giving the appearance that it is a national service but, in so far as the Government is concerned, there is no exclusivity to the grant of that licence and it is expressly stated in the licence that it is not an exclusive licence. Which means that the Government can grant additional licences to other operators.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, has the Member of Government taken into account the fact that the person involved with CITV, namely Desmond Seales, has said that he would be putting so many hundred thousand dollars into setting this up between now and December? And, has the Government thought that the argument that will be placed before them will be, that after having expended so much money the Government should give them the opportunity, the first choice, irrespective of other persons that have applied to carry on what the Government has permitted them to start?

HON. J. LEMUEL HURLSTON: Madam Speaker, that is a matter of commercial strategising. I do not wish to comment on that at all.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, I am not talking about commercial strategising. What I am asking the Member is, has not Government permitted one company without waiting until they had the relevant and technical consultancy available to them to gain an advantage over any that might come in the future and create thereby an unfair competition?

HON. J. LEMUEL HURLSTON: No, Madam Speaker, the Government does not see it that way at all.

MADAM SPEAKER: First Elected Member for Cayman Brac and Little Cayman.

CAPT. MABRY S. KIRKCONNELL: I thank you, Madam Speaker.

as I read in the press, does not include services to Cayman Brac and Little Cayman but that the licensee may at his pleasure re-broadcast video tapes for Cayman Brac and Little Cayman?

HON. J. LEMUEL HURLSTON: Madam Speaker, the licence covers broadcasting in the Cayman Islands. I do understand from the company that initially their broadcasts will be limited to Grand Cayman with plans for expansion to cover all islands eventually.

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: Thank you, Madam Speaker.
The Member referred to a temporary licence being issued to CITV. My question is, would the Government consider renewing or extending this temporary licence?

HON. J. LEMUEL HURLSTON: Madam Speaker, the Government is still negotiating with the company for the grant of a licence for a longer term period. I do not wish to prejudice those negotiations but those negotiations are on-going.

MADAM SPEAKER: We will conclude Question Time on No. 108. We will now go to Question No. 109.

MR. G. HAIG BODDEN: Madam Speaker, if I could have your indulgence. I had not gotten in a question and I did try to catch your eye.

MADAM SPEAKER: Well unfortunately you did not catch my eye. I will allow you this question and we will terminate supplementaries on No. 108. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Thank you, Madam Speaker.
I just had one question. Does the temporary licence which is granted to this company allow them the right to extort fees from the users of CNN and other U.S. transmitters?

HON. J. LEMUEL HURLSTON: No, Madam Speaker.

MADAM SPEAKER: Question No. 109 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE THE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 109: Would the Honourable Member say who authorised the construction of the boat ramp on the South Side, next to the KIDCO Building in Cayman Brac; and under what Head were the funds allocated in the 1990 or 1991 Estimates?

ANSWER: The District Commissioner authorised the construction of the boat ramp at the South Side next to the old KIDCO building in late 1990.

Prior to construction, the matter was discussed with the Administrative Secretary and the Elected representatives for Cayman Brac.

Funds were approved for the allocation of boat ramps under Head 41-013 - Harbours and Docks Development.

SUPPLEMENTARIES

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, the reply was in the plural that this matter was discussed with the Elected Representatives. This particular project was certainly not discussed with this Representative because it came as a surprise to me when I learned that this ramp had been put in there. What I am wondering is, what amount of funds were expended on this and were they funds specifically provided to the extent of whatever it was for this ramp?

HON. J. LEMUEL HURLSTON: Madam Speaker, the Budget for 1990 contained a sum of \$60,000 which was allocated to three ramps in Cayman Brac and Little Cayman. \$15,000 was provided for a ramp on the south side of Cayman Brac, \$25,000 for a ramp at Spot Bay and \$20,000 for a ramp on the north coast of Little Cayman; making the total annual allocation of \$60,000.

During the year when the work commenced it was discovered that the extent of the work was more substantial and major than had been originally envisaged, in that, to deepen

the water at the location would have caused more erosion of the shore line and consequently it was decided to extend the length of the facility further out to get into deeper water. It was the extension into the deeper water that made the project more extensive and consequently more costly.

During 1990, \$34,000 was spent. During 1991, in order to complete the project, a further \$8,600 was spent for a total of \$42,600. The additional funds came out of the 1991 Appropriation of \$100,000.

MADAM SPEAKER:
Cayman.

The Second Elected Member for Cayman Brac and Little

MR. GILBERT A. McLEAN:

Commissioner the ramp on the south side was built at the disadvantage of the other two that were not even attempted last year and up until now?

Could the Member confirm that at the discretion of the District

HON. J. LEMUEL HURLSTON:

disadvantage to the other two projects but I do not think it was solely by virtue of this one.

Madam Speaker, I think it is safe to say that there was some

that prevented work starting earlier than it did. In the case of Little Cayman, I believe there was also the question of land acquisition which was a prerequisite to providing the ramp on the north coast of Little Cayman. So there was some disadvantage but it was not entirely due to the over expending, as it were, on one impacting totally on the effectiveness of the other two.

I believe that the Spott Bay project had constraints of weather

MADAM SPEAKER:

The Second Elected Member for Cayman Brac.

MR. GILBERT A. McLEAN:

Spott Bay and the other ramp that this one was built since there is none built there as yet. Following on that I would like to ask the Member is this not a subject for the Portfolio of Communication and Works and did this not form a part of a scheduled work on boat ramps? Was there any consultation or approval given in this particular undertaking or was it at the sole discretion of the District Commissioner to do this?

Madam Speaker, I understand that it was to the disadvantage of

HON. J. LEMUEL HURLSTON:

formed a part of the Capital Works Programme for District Administration and that as such, the District Commissioner once obtaining the necessary planning permissions from the Development Control Board, etcetera, was authorised in accordance with the funds appropriated to proceed with the project.

My understanding, Madam Speaker, is that the boat ramp

MADAM SPEAKER:
Cayman.

The Second Elected Member for Cayman Brac and Little

MR. GILBERT A. McLEAN:

Works has abrogated his responsibility for this particular subject to the District Commissioner to act on his behalf on it?

Could the Member say if the Member for Communication and

HON. J. LEMUEL HURLSTON:

adequate and appropriate consultation takes place between District Administration and the necessary Portfolios and Departments in Grand Cayman, where engineering, design drawings, etcetera, may be required.

No, Madam Speaker, I am certain that wherever necessary,

MADAM SPEAKER:

Proceedings are suspended for 15 minutes.

AT 11:49 A.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 12:15 P.M.

MADAM SPEAKER:

Please be seated.

Bay continuing his winding-up debate on Private Member's Motion No. 8/91, Abolishment of Capital Punishment.

Proceedings are resumed. The First Elected Member for West

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 8/91 ABOLISHMENT OF CAPITAL PUNISHMENT

(Debate continues thereon)

MR. W. McKEEVA BUSH:

Thank you, Madam Speaker.

afternoon I was dealing with the grave misleading statements and foolish deductions as made by the Member for

Madam Speaker, when we took the adjournment yesterday

North Side; in particular his comments with regard to the letter from His Excellency the Governor to Members of this Honourable House.

Madam Speaker, it is inconceivable how that Member of Executive Council can say or impute that the Governor wrote to us to get our opinion on the abolition of capital punishment when that letter, as I read in the House, says nothing about the abolition or intended abolition of capital punishment. The letter said not one word. Now, what is noteworthy of this letter is the fact that the Governor was seeking our opinion on the pardon or reprieve of the offender which, His Excellency the Governor himself could decide upon alone after consultation with the seven Members of Executive Council.

At that time when that letter was being written to us, His Excellency the Governor had to know and must have informed his Executive Council or should have informed his Executive Councillors, and I believe he did, what the position of the United Kingdom Government was.

The question that should be asked is why then was this Honourable House not told of the possibility of the action by the United Kingdom Government? Since they were writing to us, why talk about pardon and reprieve as we all already have the information about it in the Royal Instructions, but say nothing about the real intention of abolition? One has to put that in a proper frame to say that they were renegeing on their responsibility to the country. It is simple and it was a move to fool the entire House as to what was happening.

That is grave because while the House is not the Government, the House is a democratic Elected Legislature. To top it all, were the statements of Members of Executive Council that they knew nothing about the action. Two wrongs do not make a right and at least they should have been man enough to say what they knew.

The communique between the United Kingdom Government brought to the Caucus in Trinidad by the United Kingdom delegates said that the Governor had consulted local Government in February stressing the importance of the subject but no progress was made. So Executive Council did nothing and they said nothing to the Nation.

The Member for North Side made reference to a meeting which I was trying to organise. Madam Speaker, as you know I approached you in April to inform you on the possible request of a special meeting of this Honourable House. A special meeting to deal with a motion which was requesting the United Kingdom Government not to bring into force on the 10th of May the Abolition Order.

What happened was I approached the Member for Tourism by telephone who agreed on such a meeting that we should get together to discuss it. He agreed to contact his other three colleagues on the matter. This the First Member for George Town did.

The purpose as I said of a special meeting was for us as a united House to move a resolution and I have that copy of that resolution which we dealt with at the meeting of the Members of Executive Council and ourselves. That resolution said:

"WHEREAS by Order in Council capital punishment is proposed to be abolished in the dependent territories including the Cayman Islands effective 10th May 1991;

AND WHEREAS there has not been adequate consultation with the public or Members of the Legislative Assembly on this most important national issue;

BE IT THEREFORE RESOLVED that this Honourable House request Her Majesty the Queen not to consent and not to bring into force the Order in Council to abolish capital punishment for murder in the Cayman Islands.

BE IT FURTHER RESOLVED that His Excellency the Governor take immediate note of the decision of this Honourable House and forward at the utmost dispatch the decision of this Honourable Legislative Assembly to Her Majesty the Queen."

This was the proposed resolution which we would have been debating today. The purpose of the first resolution carried the same requests as this resolution before the House carried - that this Honourable House respectfully request that the Government of the United Kingdom do take all necessary steps to revoke the said Order in Council in relation to the Cayman Islands.

The only difference was that it was coming into effect on the 10th of May and the first resolution was trying to head that off which by the way, the delegate said would have been a good move. The delegate from the British Government said it would have been a good move to at that time let them know what the full House wanted before the 10th of May when the Order would have come into effect.

I do not know what all the fuss is about now because the Motion is not dissimilar. It is the same thing and the resolutions are the same thing. At that meeting between the Executive Members and ourselves, and the only Member of Executive Council that was not there was the Member for Communication and Works, he did not come or would not come, I do not know which, we decided then that since the Member for Education and the Member for Health were so hostile to the suggestion of holding that special meeting and to passing or bringing that resolution in a united effort, and the Member for Tourism was about to leave the country and he was in support of that first resolution, but I would say that the Member...

HON. W. NORMAN BODDEN:

Madam Speaker,....

MR. W. McKEEVA BUSH: I will give way, Madam Speaker, just after I have finished the sentence I will let him...I would say that the Member said he was in support of the resolution but he would have to wait to see what Executive Council's entire position would be.

HON. W. NORMAN BODDEN: Madam Speaker, under Standing Order 34, on a Point of Elucidation, if you would allow it and the Member has given way.

MADAM SPEAKER: Yes.

HON. W. NORMAN BODDEN: The Member speaking, the First Elected Member for West Bay that has moved this Motion No. 8/91 on the floor of the House which is being debated, has related quite accurately what took place regarding a private informal meeting that was held between some Members of the Backbench and some Members of Executive Council. A draft resolution was discussed based on the event that a special meeting of this Legislature was summonsed. I do not recall any general agreement on the draft resolution.

I however told the Member speaking that I support capital punishment. That has always been my position and it remains that position today. However, if a meeting were to be summoned and if that resolution were to be brought to the House a meeting of Executive Council would have to be called to determine what Government's position would be - if the meeting was called and that Motion was to be brought to the floor of the House.

Secondly, I recommended that if any representations were going to be made to the United Kingdom Government on this matter, in my opinion it would carry more weight if it was done collectively. By that I meant by all governments of dependent territories which were dissatisfied with this action should make representations to the United Kingdom collectively. I just wanted to make those comments by way of an explanation to the House.

MR. W. McKEEVA BUSH: Madam Speaker, I do not think that I am wrong in what I am saying and the Member has agreed that I am quite accurate in what I have been telling the House.

He said he does not agree that there was any agreement on the resolution. That Member I must say was in agreement with the first resolution, the resolution which was to have come before the House because that Member himself suggested an amendment to that resolution and that amendment would have been that 'WHEREAS it is considered'. The draft contained 'WHEREAS there has not been adequate consultation'. The Member for Tourism pointed out to me that it should be 'WHEREAS it is considered there has not been adequate consultation'. He was in agreement with the resolution. That was very clear to all the Members present. But, there was nothing wrong with it, it was a good resolution. But he was in agreement.

As I said, since the two Members were hostile to the suggestion and the Member for Tourism was leaving the country and he was in support of the motion, it was agreed that we would wait until the Caucus had taken place in Trinidad and then we would bring a motion knowing, of course, that by that time the Order would have already come into effect. That is the truth about the special meeting that the Member for Health talked about yesterday afternoon.

The Member for Health said at that time that he was not in favour of doing anything, and if there was any politics thrown into it, it was his actions. It was his actions! The Member for Health tried to throw in the independence issue but I am asking him, is he saying that the Member for Tourism is for independence? The Member for Tourism was for that resolution - he made one small amendment to it. I do not understand why the Member for Health would take pains to turn and twist where other men walk straight.

The Member for North Side in his tirade yesterday asked whether I was suggesting the removal of the right of the United Kingdom to disallow laws for the Cayman Islands. It was very clear what I have said and he should not try to twist what I said. They talk about informing the people - the worse thing you can do to the people of the Cayman Islands is to take one word and try to make it mean another thing - or one sentence and try to make it mean another thing.

Some people believe that if they steal somebody's mangoes that is not stealing. If they go rob a bank that is stealing. It is stealing. Stealing is stealing. He should be the last one to talk about informing the people.

What I said yesterday and I quote:

"That since the announcements of the decision to abolish capital punishment there has been quite a stir from people of all walks of life. Very often the question has been posed as to what is the United Kingdom's intention on other laws on these islands that might be contrary to the laws of the United Kingdom."

That is what I said. I believe that people are posing that question because they are rightful, thinking citizens. Citizens who are concerned about the high-handed manner in which the United Kingdom Government has acted in the abolishment of capital punishment.

When we hear from the United Kingdom that the Government there is forced by the European Convention to change laws in the United Kingdom Dependent Territories we must be concerned. In one report from London it says:

"Britain is poised to risk a constitutional crisis and order the repeal of laws banning homosexual acts on the Isle of Man, a self-governing island where gays say they are

treated as subversives.

The Manx Parliament of the Lower House - the House of Keys threw out attempts to legalise homosexuality in April in breach of the European Convention on Human Rights which it signed, through London, in 1951.

The British Government, which looks after the island's foreign affairs (and as I said the same position obtains here) knows it will have to force change in the law to comply with the European Convention.

Manx politicians (that is the Isle of Man Parliament) say that if that happens it will lead to a constitutional crisis and an epidemic of acquired immune deficiency syndrome epidemic on the island.

"We have made it clear that in order to enable the UK (United Kingdom) to conform with its obligations under the Convention, the islands legislation on homosexuality should be amended." Home Office Minister Peter Lloyd told parliament in London. "If necessary the UK will legislate on the islands behalf, he said."

Madam Speaker, this must give us cause for concern. It must give us cause for concern. So for the Isle of Man, a British territory, the United Kingdom is trying to legalise sodomy. When the Member for Health foolishly and rhetorically asked if we are suggesting to remove the power of disallowance my answer to him is - certainly not.

What I am suggesting is that we cannot allow the United Kingdom to push on us their every whim and fancy which may conform with their obligations under the European convention. Certainly as far as the legalisation of sodomy, they will get no support from this Backbench for such an action as they are trying to do in the Isle of Man.

I should say that the Privy Council would be moved to make that Order, the same as they have made for us on the capital punishment issue. No, the Member for Health should be ashamed of himself trying to suggest what he suggests. The Motion is very clear. It is not challenging the United Kingdom Government's constitutional right to disallow. We are simply asking them to take steps to put back in place something that is now on our book and something that is of no material hurt to the United Kingdom. That law does not hurt them.

This is a good place to deal with the argument about the annulment as was said by the Honourable Attorney General, who said that section (7) of the West Indies Act makes various technical provisions supplemental to this basic power. Among these is the requirement that the Order be laid before the United Kingdom Parliament. It should be noted that it is not subject to an annulment unless it purports to modify a United Kingdom Act and that is not the case here. That statement I have checked with the Honourable Attorney General and he has confirmed that he did not mean that that statement meant that the Order in Council by the Privy Council could not be rescinded but anyone listening to him could have got the impression that that is what he was saying.

That could never be so because under the same section, Section 7 of the West Indies Act (1962), it says in sub-paragraph (2) that any power conferred by this Act to make an Order in Council shall be construed as including power to vary or revoke the Order in Council by a subsequent Order in Council.

That says very clearly that if we are successful in getting the United Kingdom Government's ear, that it is possible by the very same act that they took and made the Order under, for us to have it revoked. All we need to do is talk to them or let them know, as we are trying to do, what our feelings are. But how can they know if this Honourable House takes the kind of position that it is taking by the Government? The least that we can do, since it cannot be revoked, is to ask them to do so, since we do not want it.

The other argument, or it was not an argument, but it was a vague statement by the Honourable Attorney General was when he said, "Madam Speaker, against this background and given the apparent wish of the people of the Cayman Islands to remain a dependent territory of the United Kingdom it is the view of Government that it is not compatible with that position to seek to reverse the United Kingdom's decision in this way.". That is a very vague statement!

Given the fact that every person who has come here from the United Kingdom has taken part in this discussion on the Abolishment of Capital Punishment, everyone of the authorities, the Ministers, the United Kingdom's position themselves, has said that that it does not mean that they are telling us to go independent and I say, as I have said to the Attorney General before we came back to the floor, that that statement he made conformed with the political statement made by the Member for Health when he said that you have to go independent for the Privy Council to revoke their order.

I said that the Attorney General should have been more lucid in his explanation as to Government's position why they cannot do it. I think he got into the political argument, which he should not have gotten into. Because, it is an untruth, a serious untruth to be told to the country that you have to go independent for the Privy Council to revoke their Order. It is a blatant untruth, Madam Speaker, in light of the fact that the law making the Order for the Cayman Islands is the same law that says it can be revoked.

That point and the point that the U.K. Government has said they will not push us into independence and the point that they said that it should not be taken to mean when they said

that those countries that elect to remain under the British Crown that it should not be taken to mean anything about independence because that is not the case.

Now, Madam Speaker,...

HON. RICHARD W. GROUND:
of Elucidation?

Madam Speaker, I wonder if the Member would permit a Point

MADAM SPEAKER:

The Honourable Second Official Member.

HON. RICHARD W. GROUND:

The Member has said some hard things about me and about what I said to the House. What I said, and as he accurately quoted, was simply that, "it is the view of the Government that it is not compatible with the Cayman Islands position as a Dependent Territory that it seeks to get the U.K. Government's decision reversed in this way."

I did not say anything about this being a question of going independent or anything like that. I simply said that, in essence, the U.K. who does have the right to legislate for this territory has legislated and this is the view of Government that challenging the U.K.'s legislation in this way is not compatible with their position as a dependent territory.

Perhaps I might also just deal with the annulment point that the Member also made. I never said, never intended to say, that the Privy Council itself does not have power to revoke its Order. The Member had already in his opening speech stated that the Privy Council does have power to revoke its Order. If I had intended to disagree with that he would have known I was disagreeing with it. The comment that I made about it not being subject to annulment was made in this context, and what I said was, "among the technical provisions in sub-section (7) is the requirement that the Order be laid before the U.K. Parliament but it should be noted that it is not subject to annulment unless it purports to modify a U.K. Act."

Members will know, particularly Members who are familiar with the U.K. Parliamentary procedure, that quasi legislative documents that are laid on the Table of the House of Commons are usually available to annulment by a vote of that House. This is not the case in the case of Orders which are in their nature an exercise of the prerogative, or be it a prerogative that has been codified under statutes such as the West Indies Act.

So it is right for me to say that the Order is not subject to annulment. It is not subject to annulment by the House of Commons Parliament or by a vote in that democratic institution and I thought that point worth making. I did not say, and did not intend to say, and I do not think that the word annulment can be taken to say, that it is not subject to revocation by the body that made it.

MR. W. McKEEVA BUSH:

Madam Speaker, I thank the Honourable Attorney General for his elucidation and I am sorry if he has taken the words hard. But I do not think he said anything different than I said. I said we had discussed it but I had, in my opinion, to make it absolutely clear because what he said here is not absolutely clear. He said that among these is the requirement that the Order be laid before the United Kingdom Parliament. But it should be noted that it is not subject to annulment. He could have been talking about the Order and I am saying that it was my duty to make it absolutely clear that the Order could be revoked. So we are on all fours on that one.

As for the point which he elucidated on in his statement about the Dependent Territories' position, I repeat, again, against this background, and given the apparent wish of the people of the Cayman Islands to remain a Dependent Territory of the United Kingdom, it is the view of Government that it is not compatible with that position to seek to reverse the United Kingdom's decision in this way.

What I am saying is that that statement confirms the position which the Member for Health was trying to be put forward. People listening could have gotten the wrong impression and I am sorry, Madam Speaker, that I have caused the Honourable Attorney General some grief but it is my duty to make absolutely clear in my language what I am trying to do and in particular when I am dealing with a motion of such importance as capital punishment and an issue with such grave importance to this country as independence. It must be made absolutely clear that the motion cannot by any means, by any stretch of the imagination, be taken to mean that Great Britain has said to us that if you want to keep capital punishment you have to go to independence.

That is exactly what the Member for Health has said and I was just trying to find his very closing words on that particular issue. It is of importance to this House because we must not confuse it and we must not try to mislead the people. I cannot find it at this point but if we take the adjournment I will assure the House that I will have exactly what he said when I return.

MADAM SPEAKER:

Honourable Member I would like to point out that you have repeatedly made that statement and I think everybody has accepted your views, so when you do come back please do not continue with the repetition.

MR. W. McKEEVA BUSH:

Madam Speaker, I agree that I have been repeating for sake of effect. I will not do it when we come back but the point as raised by the Honourable Attorney General that what I said did not mean that what he said conformed with what the Member for Health talked about. That is the relationship I am showing.

MADAM SPEAKER:

The House will be suspended until 2:15 P.M.

AT 12:55 P.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 2:18 P.M.

MADAM SPEAKER: Proceedings are resumed.
Debate by the First Elected Member for West Bay on Private Member's Motion No. 8/91, Abolishment of Capital Punishment.

MR. W. McKEEVA BUSH: Thank you, Madam Speaker.
Madam Speaker, before we took the adjournment it might have come across that I was saying that the Attorney General was getting into politics. What I was saying was that he was putting across a political view of the Government. I think that should clear the matter.

Madam Speaker, an argument can be advanced that our law for capital punishment is not repugnant to British law because when we look at the frivolity of what constitutes treason or some of what constitutes treason, we have to question the reasoning of the U.K. to abolish it for heinous crimes or to keep it for these (what I call) frivolous matters. In English Law treason includes the levying of war against the government and the giving of aid and comfort to the King's enemies.

All that we agree with because we all love our countries. We have no problem with that and when we talk about frivolity it is also treason to violate the King's consort or his eldest unmarried daughter as well as the wife of his eldest son and heir. Well it seems to me that the Privy Council is placing more emphasis on what is human nature but overlooks the hard fact of murder.

What I disagree with, and when I say that an argument can be advanced that our law for capital punishment is not repugnant to British law, is the principle involved. Britain can discriminate on what is a crime and capital punishment but then they refuse to take into consideration the hard cold fact of premeditated murder. How can a hanging here be repugnant to the United Kingdom when the United Kingdom is hanging for treason? So the principle involved is bad and this is where I disagree with the Privy Council. I believe that Members of this House, and maybe I am arguing in vain, but I have to put across my argument, that Members of this House should make an effort to try, even to do what we are suggesting, to ask them to revoke.

Let us look at such things as piracy and terrorists. In this day and age when these Islands are swamped with all kinds of nationalities and all kinds of characters, it is not far fetched for some people or a person to take another person or group of people hostage for one reasons or another? Perhaps it could be a school bus with children. How do we deal with that? Do we call in the police force and let them talk to the terrorists or pirates? Suppose there is gun play involved by a group of citizens to protect their children and that school bus of children is harmed, blown up or something else? Should the perpetrator of such a crime be simply sentenced to life imprisonment with the possibility of parole?

This is not something out of fashion. It is an act that is committed almost every week now throughout the world. The perpetrator of such an act, in my opinion, should be recognised as being liable to the death penalty.

I say to the Members of Executive Council that when our citizens or families are put at the mercy of these kinds of criminals I will thumb my nose at the foolishness the United Kingdom thrust on this country. I am sorry if the Member for North Side feels that what we are doing is thumbing our noses at them but when it comes to those kind of things, if that is all that I can do, I will do it. They cannot stand here and say that they support capital punishment but when it is being abolished they sit and do nothing.

Might I ask the question, Must dozens of people die before they garner enough courage to ask the United Kingdom to reconsider their position as we are trying to do in this resolution? What kind of man is it that will say I love my wife, I love my child but I cannot seek the ultimate protection for them because the United Kingdom Government might not like it. I say, he is no man.

Some very derogatory remarks were made on the Commonwealth Parliamentary Association by the Member for North Side. As Chairman and Vice-President of the Association and a strong believer in the Commonwealth Parliamentary Association (CPA), I think I should clear up a few matters regarding the CPA.

That organisation, as you know, was founded in 1911. It is an Association of Commonwealth Parliamentarians who irrespective of race, religion or culture are united by community of interest, respect for the rule of law and individual rights and freedom and by pursuit of the positive ideals of parliamentary democracy. Anybody frowning at that has no respect for parliament and parliamentary democracy. The Association is a charity registered under the laws of the United Kingdom and its stated purpose is to promote knowledge and education about the constitutional, the legislative, the economic, social and cultural systems within a parliamentary democratic framework with particular reference to the countries of the Commonwealth of nations and the countries having close historical and parliamentary associations with it.

The Association provides the sole means of regular consultation among members of Commonwealth Parliaments. It seeks to foster understanding and cooperation among them and also to promote the study of and respect for parliament. The Association pursues these objectives by means of annual Commonwealth Parliamentary Conferences and Regional Conferences. The inter-change of delegations, seminars, (such as we had here last year) publications and newsletters on the CPA activities and on parliamentary and political events and the provision of practical assistance through the parliamentary information and reference centre. The original Member Branches were Australia, Canada, Newfoundland, New Zealand, South Africa and the United Kingdom. Evolving with the Commonwealth, the CPA, in 1948 adopted its present name; changed its rules

to enable all Member Branches to participate in the Association's management and established a separate Secretariat to manage its affairs.

The Association Branches now exist in 120 national, state, provincial and territorial parliaments with a total membership of over 10,000 parliamentarians and notably concerning the Association is the fact that when the Association's Constitution was amended in 1989 to create the position of Patron and Vice-Patron her Majesty the Queen, as Head of the Commonwealth, honoured the CPA by consenting to become its Patron. So, I do not think it behoves any of us in this Honourable House to get up in here and speak derogatorily of such an honourable association. If you are a parliamentarian you must have respect for the CPA. But the Member for Health cannot have respect for that because he only respects himself. In speaking derogatorily about the CPA shows the Member's ignorance of the great work that the CPA has done over the years and continues to do. Such work as the on-going fight for the end of apartheid in South Africa and to get South Africa back on the road to proper democracy where everybody is equal and those efforts are paying off. It is certainly paying off.

The great work of the CPA is found when we look at a document called the code of conduct and ethics for Parliamentarians. A document of hundreds of pages. This is the kind of work the CPA does and it will be good and well and proper if that Member would only help us to get a Code of Ethics and Conduct instead of getting up here in the House and criticising the CPA because that Member might benefit from it.

We have at our finger tips when we are a part of the CPA a great body of Honourable men from Prime Ministers to the lowest of Parliamentarians. I trust that that will be the last time that we hear such an attack on the Commonwealth Parliamentary Association as I said, whose Patron is Her Majesty the Queen, a great believer in the Commonwealth and a great respecter of the CPA.

The Member knows this, he heard Her Majesty the Queen when we were in London and she opened the CPA Conference in 1986. He knows very well what she feels about that Association. Their problem is that they cannot control the CPA. They have tried it by trying to come down here and mamagise and inveigle people who, under the Rules of over 75 years, cannot really vote for the Executive Committee. But in their spiteful attempts to get rid of me as Chairman and as Vice-President, where I have served since 1989, they tried to amend that which has stood the test of time. It is obvious that what they cannot control they tend to destroy. That is a fact. We see it in every move that people like the Member for Health makes.

In closing I will say that the Motion before the House is legal, and I should say that we are not seeking to take away any power granted under our Constitution from the United Kingdom. We are simply requesting the U.K. to take steps to revoke the Order which they made in regards to the abolition of capital punishment. That is all this Motion seeks to do. I believe that 90 per cent of all Caymanians and residents alike are behind this resolution. They feel that we should at least make an effort to do something. Everywhere you go, people say the same thing. The principle is bad because hanging is being retained for treason.

In summation, I do not think that the arguments of the Government are founded on common sense. They are not founded on law because the same order that makes the abolishment of capital punishment possibly can revoke it. So it is not bounded legal strength. Their arguments are not founded on common sense because they know that their people wish them to do something and the announcement about not being a conscience matter is a farce. That is very evident in the debate by the Member for Health and Social Services who opposed the motion so vociferously, not on a matter of conscience, but on the claim that it is a waste of time, on that claim and other foolish claims. So then I say that the announcement of it not being a matter of conscience vote is a farce.

On the matter of it being a threat to our Dependent Territory position it is a farce and I think that I have proven that quite well with the communique from the United Kingdom Government and in the normal trend of constitutional development and according to Constitutional Commissioners and experts we do not go independent so easy.

In conclusion, the Governor continues to preside in Executive Council until a full ministerial responsibility is granted. When we take the Governor out of Executive Council we have full internal self-government and the Commissioners say that when we get a full ministerial system we have a full internal self-government position. So, if there is anyone in this House who is pushing this country closer to independence it is the Member for North Side who says that he wants a full ministerial government. We all voted against a full ministerial government. At least when I say all of us, all of us on the Backbench.

One of the most distinguished of all British jurists said, "The punishment inflicted for grave crimes should adequately reflect the revulsion felt by the great majority of citizens for them. The ultimate justification of any punishment it is not that it is a deterrent but that it is the emphatic denunciation by the community of a crime. From this point of view there are some murders which in the present state of public opinion demand the most emphatic denunciation of all, namely, the death penalty." Madam Speaker, that was said by no other than Lord Denning, one of the most distinguished of all British jurists. That, in my opinion, sums up my case and I will not take any more time from the House.

I thank you, Madam Speaker, for your indulgence and I ask Honourable Members on this side of the House, since there are eight of us on this side and seven on the Government Bench, since the Government is not supporting this thing, let the eight of us on this side declare our true feeling for the revulsion of crimes such as murder. Let us ask the United Kingdom Government to revoke their Order in Council. The only one that can help us is the First Elected Member for Cayman Brac. I trust that although he has not spoken in this debate, he will see fit to only ask the United Kingdom Government in a democratic, lawful way to revoke the Order of Abolition.

MADAM SPEAKER:

I will put the Question. Those in favour please say Aye...Those

against No.

AYES AND NOES.

DIVISION NO.16/91

AYES:6

Mr. McKeever Bush
Mr. John D. Jefferson, Jr
Mr. Truman Bodden
Mr. Roy Bodden
Mr. G. Haig Bodden
Mr. John McLean

NOES:8

Hon. Thomas C. Jefferson
Hon. Richard Ground
Hon. Lemuel Hurlston
Hon. Norman Bodden
Hon. B. O. Ebanks
Hon. Linford Pierson
Capt. Mabry S. Kirkconnell

ABSTENTIONS

Mr. Gilbert A. McLean

AGREED BY MAJORITY: PRIVATE MEMBER'S MOTION NO. 8/91 NEGATIVED.

MADAM SPEAKER:

We will proceed with the next item of business, Government Business. Bills, Second Reading Debate on the National Pensions Bill, 1990. The First Elected Member for Cayman Brac and Little Cayman.

GOVERNMENT BUSINESS

BILLS

SECOND READING

THE NATIONAL PENSIONS BILL, 1990

(Debate continues thereon)

CAPT. MABRY S. KIRKCONNELL:

Thank you, Madam Speaker.

Madam Speaker, I rise to support the Bill for a law to make provisions for a system providing pecuniary payments by way of retirement pensions and other benefits to persons entitled thereto under the law and for other matters related thereto or connected therewith.

I have had a long time in dealing with this Pension Bill, having been a member of the Pension Review Committee. That Committee was made up of a cross section of our community and input was made by all of these in trying to prepare the best possible plan that we could. I do not think anyone today is saying it is perfect, and my support of it at this time, I would like to make it very clear, is with the understanding that the Honourable Mover of this Bill will be sending it to a Select Committee of the entire House where we can seek further public input because this is a law or a pension for all of the people. Therefore, since it will incur a contributory contribution by each person who will ultimately benefit from it, they should have an input in to just how it is to be determined.

As I said earlier, this is not something that has come up in a hurry. It is long overdue. Had a Pension Plan been implemented when the Cayman Islands started to come of age in the financial industry when our economy expanded, today people of my age group would be looking forward to a contributory pension in the very near future and benefits they could depend on would be there. Unfortunately, it was not implemented. I think the Government is to be congratulated that they have taken the necessary steps to bring this to the Legislative Assembly and also to put it to a Select Committee where we can get further public input.

Madam Speaker, having lived in other countries and seen their senior citizens come of age and have the benefits of a social security systems or either a pension from their employer to provide benefits in their senior years, has revealed to me the great necessity of us doing no less for our people here in the Cayman Islands. Persons employed in the early days, although most things are relative, worked for a very small salary therefore their ability to accumulate provisions within their own framework after they retired is almost impossible with world inflation reaching the vast state that it has today. Many people worked for hundreds of dollars and today it takes thousands of dollars to live.

Therefore, Madam Speaker, I shall be looking forward in the Select Committee of having closed input from the people of the district (which I co-represent with the Second Elected Member for Cayman Brac and Little Cayman) of what their desires are and bring them to the Select Committee.

During the course of the debate of the Review Committee I constantly asked that provision be made in this Pension Bill for a fund or a fee that would pay for burial expenses. I today ask Honourable Members to consider this when we go into Select Committee. This is most necessary because when that sad occasion occurs, in many families there are expenses and the only one we now have to go

to is government. It is arranged here for a death benefit, but that death benefit of \$1,500 or thereabout will only be awarded after a period of time. The provision for the interment of a human body is required by law, and it is no longer free here in the Cayman Islands. Like every other expenditure within these Islands that too has grown to quite a sum.

I would like to ask Honourable Members in considering this, that provisions will be made whereupon the death of a person covered by this pension, a sum which will be equal to the cost of a normal interment be made available to the survivors immediately. Not a fee that could be garnished for debt which the deceased might have, for then what would happen if the poor people do not have the means of interring that body. Again, it will come to government and that should not be necessary for persons who have been gainfully employed over the years and have provided a contribution to a pension fund.

Therefore, Madam Speaker, there are other elements or risks for the pensioner or the person covered by this pension which I will be looking at in Select Committee but I ask all Honourable Members here today to let us make a bold step forward in accepting that a pension is necessary for the people of these Islands. Some are more fortunate than others and may not really need at age 65 to supplement incomes. Maybe their investments will be of a sufficient nature to carry them for the remainder of their life and their survivors but there are others in our community, in our three island country, that are not that fortunate and as cost of living continues to increase, the necessity for a pension and provisions for persons after their productive years have been completed, will become more and more necessary.

With these few words, Madam Speaker, I support the Bill.

MADAM SPEAKER:

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Madam Speaker, I support the concept of pensions, but I cannot support the Bill which is before the House. It is my opinion that this Bill suffers from the same defect with which it was born. From the time the former Member of Health presented to the public a draft Pension Bill back in 1985, the proposal seemed to have been greatly under-funded. By that I mean the contributions projected cannot reasonably pay for the benefits offered. If this Bill were a pure and simple Pension Bill I believe the contributions suggested here would be adequate.

It is my understanding that most countries that have these schemes started out on a small scale. For example, the Canadian Pension Plan, which is one of the ones in this area, started out simply as a Pension Plan providing monthly payments on retirement. After many years of operation other benefits were gradually added. We must remember that once this plan goes into operation it is going to be highly political with each new government promising increased benefits under it until the system becomes over-loaded, like the U.S. system which reached the verge of bankruptcy.

If we compare this Bill with the pension system we dealt with in the Pension (Amendment) Bill a few days ago, you will get a clear idea of the difference between the two plans. For example, in the Pension (Amendment) Bill, it is proposed to take a contribution of eight per cent and pay pensions. We are doing the same thing in this Bill; we are taking a contribution of eight per cent to pay pensions. Of course, I realise that the pension payable under this Bill will not be as high as the pensions payable under the amended Bill which the House agreed to. This Bill before us has a big difference in that the Pension Bill, which we already approved, provides benefits to a group of people with what I call substantial earnings, as against some of the scanty contributions that we will have in this Bill.

We heard a couple of days ago from the Financial Secretary that one of the advantages that this pension fund will have is that there will be almost a 10 year holiday under that plan. There will be a number of years before an appreciable number of current civil servants are at retirement age. Therefore the fund will have time to build up while almost from the outset this plan will be plagued with heavy pay outs. If we take a look at the census figures we will see that in 1979 there were 1,163 persons over the age of 65. Ten years later, in 1989, there are 1,601 persons over the age of 65 and that number continues to increase rapidly. What I am saying is that the payments to be made out of this fund are certainly going to be made to an increasingly greater number of people per year. I think this was realised and can be shown from the way the two plans are structured because in the Pension Plan which we approved, only asked that government continue to pay the pensions to civil servants until such time as the fund is sufficiently solid to make those payments. The Financial Secretary told us, if I remember the figures correctly, that the fund already stands at \$1.7 million.

In this Bill it does not seem they ever anticipate that the fund will be sufficient to meet the payments because if one looks at the section of the law dealing with contributions, section (3) (1) (e), it says: "Into the fund shall be paid such other funds as may be provided by the government for the purposes of this law;". It seems to me that this is an opening whereby the Treasury will always be called upon to meet the payments. The question I am posing is: If it was considered that there was a need for an eight per cent contribution to pay the Civil Service Pension, why do we believe that the investors of this fund can work miracles and do so many other things with the money?

I have mentioned that the level of pension will not be as high because under section 24 of the Bill there is to be an invalidity benefit, in addition to the monthly pension, which is the benefit paid to those people who are disabled. A disability income is perhaps the most expensive form of insurance to purchase. In fact, if you were to do a survey in this island amongst even the richest of the rich, you would not find one per cent of them carrying a disability income insurance. I am sure the lawyers do not carry it. It is an insurance that will provide them with an income if they are unable to work. It is very expensive, and not only expensive to procure because of the nature of the insurance, it is expensive to monitor. One will constantly have to have medical certificates and so on.

There is to be a survivor's benefit which is to be provided by this

law, and a survivor's benefits can be expensive to pay out if somebody starts receiving the survivor's benefit at age one. That child might have to get the benefit until age 18. I am trying to say to the Member the one thing that he has refused to listen to - that he is trying to do too much at one time. He could get the support of the entire Legislature, he could get the support of the entire island if he would be reasonable and if he would come with a Bill or with a Plan that would not try to do all things to all people. But this has been the fault of the Government. Instead of doing what it can afford, it is trying to do projects that the United States government could not afford to do; building hospitals that it cannot afford to pay for and building roads that will be paved with gold. I think the Government suffers from the syndrome of mega bucks.

To say that this Bill will go to Select Committee is a fiscal joke. It is a farce because we have heard what the Select Committee will do. We have heard the eighth Member - the eighth vote has already spoken - and there will not be any substantial changes in this Bill. When it goes to a Select Committee if the Member desires to add a comma here or to delete a clause there, it will be done. But, in principle, there will be no change.

In the introduction of the Bill the Member mentioned that he had provided an opting out clause. What he has put there is not an opting out clause at all. Nobody can get out from under this Bill. Do not let him fool you because if you look at section 41 you will see that in order to get out of this Bill you have to have a policy of the same kind and extent and in no respect less certain or valuable; or payable in circumstances less advantages, than those provided under this law. No such policy exists out there. There is no single policy out there that provides every single benefit in one policy that this Bill contains.

I made a living selling life-insurance for nearly 30 years, and I never came across a single policy that offered in one policy the many things that are put together in this Bill. Such a policy does not exist in the private sector, so there is no opting out clause. Section 41 may as well be removed from the Bill. Even if such a policy existed, you still could not get out of it unless the Governor approved the policy (that is, the Governor in Executive Council) and if, in his opinion, it provided what they thought it should provide in accordance with this law. This is what the Chamber of Commerce and other sensible people have been saying.

There are many firms in this country that provide pensions for their workers, provide death benefits and provide other types of insurance. If these provisions are reasonable these people should not be compelled to come under this. Even if they have a plan they are going to have to come under this if their plan is not in every respect providing what this plan sets out to provide.

Investments in this Bill are loose. If you compare section 13 of this Bill with the Bill which this House approved on Wednesday you will see there is a vast difference. The Bill which we approved specifically states the investments shall be made in the government securities of the United Kingdom, the United States and Canada. But section 13 of this Bill does not make any attempt to limit or control the investments. Just listen to section 13, subsection (6): "The Director shall give the investment committee any information necessary for the proper discharge of its functions."

Subsection 13(5) says: "The Investment Committee shall have the power to give general or specific directions consistent with any direction under section 14 from time to time on the investment of moneys in the Fund which are surplus to current needs." It is my opinion that the funds from this Pension Plan could be used to fund the Jennett T (or the Jennett L, or whatever name they want to put for it), to build the hospital or any of the other mega dollar projects which may come into the minds of the Members. When the time comes to pay, all the Member would have to do is to come to the Finance Committee (which they have taken control of) and get the funds to pay whatever payments are required to be made under this law.

There are those in the private sector who say that government should pass a law which says that those who employ people should provide pensions for them. I subscribe to that view, and I feel the best way to do it would be to leave it up to the individual company to find its own Pension Plan. Government already has a Superintendent of Insurance and this new task could be added to his office. It might be necessary to increase the staff, but if government itself is going to embark on having a National Pension Scheme I think in our stricken circumstances, of which we have heard about all week, the circumstances we have been in since these people took over Finance Committee - since we have gone into a deficit position - they should start out with a Pension Plan and when the Plan has worked for five years. If they find out they have surplus funds in that Plan then they can gradually add some of the other benefits to it. I believe that this plan will be bankrupt from day one if we start out with the provisions in the Bill which is before us.

I would like to close by saying that I support the idea of pensions, but not the idea of the present Executive Council and will do my best in Select Committee to change this Bill. Of course, I know it is lost already, we have been told that. The 'eight ball' has spoken, and the game is won. We know the results. The Bill will go through as it is - not one dot or tittle shall be changed. There are major problems with this Bill, and it does not need a simple extraction, it needs a whole root canal job. The Member knew this when he withdrew this Bill several months ago and wrote to the Chamber of Commerce saying that the matter of pensions was closed. Now he has brought it back, perhaps because he has the assurance that the votes are here. At that time I do not know if he was not assured of the votes, now he seems to have a guarantee.

So, Madam Speaker, while I support pensions I cannot support this Bill.

MADAM SPEAKER:

I will suspend proceedings for 15 minutes.

AT 3:28 P.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 3:53 P.M.

MADAM SPEAKER:

National Pensions Bill, 1990.

Please be seated.

Continuation of the Debate on the Second Reading of the The First Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Madam Speaker, I welcome the opportunity to put the Pension Bill into a Select Committee. I will attend the meetings when they are called as I attend with diligence all committee meetings of this House. I moved the motion to get pensions introduced to this country nearly eight years ago. By pensions, I meant pensions only. I am still for a Pension Scheme. I am a believer that the people should have some provision for old age retirement. I welcome the move by the Member to bring back the Bill to go to a Select Committee, although he said he had washed his hands of it.

I have my concerns about the Bill, which are publicly known. I have taken it to my constituents, the Member responsible for the bill has come to my constituency with it and did not receive a good welcome. I myself did not receive favorable welcome in talking about it to people, but for all that I am in favour of pensioned retirement. I believe that we need to be careful how we go about getting pensions in this country. I am very concerned about what it does not do, and this Bill does not take care of the indigent people in this country. Madam Speaker, that is something that we must address. For instance, an indigent single person will get in the region of \$50 per month, and indigent couple - a man and wife will get in the region of \$65 per month. I think that those inequities need to be addressed and the amounts need to be increased because really, what can \$50 or \$65 do in this day of high inflation and high prices?

I want to give notice to this House that during this Meeting I am introducing a motion to effect some change to that situation. I hope that Monday morning that motion will be before the House. When I say before the House, Members will receive copies of the motion. As I said, I support the motion and I will wait to hear what the Member or any other person that comes to the Committee will say.

I note that the Member has said that the Presiding Officer, the Speaker, will be the Chairman. With no disrespect to Madam Speaker, I do not think it is right and proper, giving due regard to the precedence and conventions of the House of Commons and other Commonwealth Legislatures, for the Speaker to be the Chairman of a Select Committee. I believe it is ultra vires of our Standing Orders because the Standing Orders say:

"69. (2) The Presiding Officer may nominate the chairman of a select committee from among its own members; if he does not make a nomination, the committee shall elect one of the members to be chairman.

70. (2) A select committee shall not have power to delegate any of its functions to its chairman.

(7)The first sitting of a select committee shall be held at such time and place as the chairman or, if the Presiding Officer has not appointed a chairman, the member with the longest, continuous membership of the house, shall appoint."

So it is very clear that our Standing Orders are saying that the Presiding Officer must appoint. No other person shall appoint. The Presiding Officer must appoint, the chairman of such select committees and I believe that it is right and proper for us to adhere to those precedents. I do not think it is fit and right for the Speaker to be Chairman of select committees, seeing as Reports have to be made and all of those sorts of things have to be done.

Madam Speaker, I support the Bill. As I said, I will attend the committee meetings with due diligence, as I always do. Thank you.

MADAM SPEAKER:

First Elected Member for Bodden Town.

MR. ROY BODDEN:

I would like to say in my opening remarks that I welcome the stated intention to take this Bill to a select committee, and I support the notion of providing a pension for our people, but I have some concerns with this Bill, even with the good intention of moving it to a select committee. I hope that in his winding-up the Honourable Member moving the Bill, might see fit to try to allay some of my fears, or at least explain how he plans to deal with some of these concerns.

In the first instance, Madam Speaker, I believe that the Bill as it stands may be too ambitious in that it seeks to do too much at the beginning. I like to recall an old adage which is very familiar to us Caymanians, 'we must crawl before we attempt to run'. Quite interestingly this whole notion of national pensions is very topical now since many of the industrialised countries are in the process of revamping and readjusting their pensions for one reason or the other. It seems to me from my reading that the Canadian model, a model which I know a little about, is increasingly being studied.

When the Canadian Pensions Plan was started, what they did in the initial instance was to stick purely to a pension. They did not get into the arena of disability allowance, or death benefits or anything of that nature. They started on a scale like this. In the first year pensions were granted to 70 year olds. Next year, they moved to 69 and they worked it down consecutively until it stands now at age 65. Ancillary benefits only accrued and were only given as and when the funds accumulated monies sufficient to add and tack these things on.

It would allay some of my fears if we intended to implement such a system. I believe that the eight per cent of which we are speaking would be sufficient to do this, but currently I am not convinced that the 8 per cent which we are using would be sufficient to give all the benefits which

the Honourable Member intends for it to give. Although he explained to me that his is a defined benefits plan, I am not convinced that eight per cent can service all of the things that he expects it will. I am afraid our pension fund will be insufficient or as they say in the parlance, it will be under-funded.

We also have to bear in mind a significant statistic - our population is growing younger. We have to be absolutely sure that the monies that we propose to collect are going to be enough to provide all the benefits that we are claiming. Then too of significance and importance, I have had representations from my constituents who wish to be satisfied that the funds once collected, are going to be invested and secured against government's borrowing of these funds. I am not now satisfied that the proposal as it stands secures these funds.

A few issues ago, *Time* magazine carried a feature... and it is a frightening thing for people who have been paying into a pension fund and upon their maturity and retirement suddenly realise that their pensions are not sufficient because there are not sufficient funds or, worse yet as has been happening in some cases, the funds were improperly invested and there are no funds to be had at all. That too remains a major concern of some of the people coming to me.

There is a third concern which I have, and that is that while this proposal is indeed noble, and as I said before has my conditional support, it leaves out that corpus of Caymanians who are not now eligible for any pensions because they will not have been in a position to contribute funds to this present proposal. This is a not an insignificant number. Just a few days ago I was approached by an elderly constituent of mine voicing concern about what is going to happen to such persons when they are no longer able to work. I might add, these people, our people are a proud people. They do not feel good about being put on a dole and they have moral scruples about being put on the Social Service's indigent list. They are certainly embarrassed, sometimes justifiably so, when they have to subject themselves to all kinds of questions as to their off-springs, how come they are living in such a house if they are applying for assistance and so on and so forth.

It is not easy and it is a sensitive matter. It is a matter to which we, as a Parliament and certainly the government should give some attention to. I was heartened when I heard my good colleague and fellow Backbencher, the First Elected Member from West Bay, saying that he will be bringing some kind of motion or amendment which will seek to address these kinds of cases. I think that they are necessary and it is worth our examination to see if we can do anything, for above all we must remember that the roads which we are treading upon now, although they may be paved in gold, were paved at the expense and sacrifice of our predecessors and our ancestors. Certainly, those who are alive deserve the dignity of passing their old age free from want and pauperism.

As I said, while I welcome the announcement and the opportunity to discuss this in a Select Committee, I would also hope that we can stretch it so that its scope reaches those people who are too old now to benefit from the proposed plan.

Thank you, kindly.

MADAM SPEAKER:

The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN:

Madam Speaker, this Bill is one of the most controversial bills that has been to this House in recent times. It is controversial, not just for what it contains but, because of the way in which it has been presented and projected to the public from time to time over the years by the Member responsible.

I believe that just about everyone will support the idea, the principle of pensions. This is something that is important and is necessary but it has to be done right and we have to make sure that in the long term, not just the short term, it will endure because if not, not only will there be disappointment by people in the later years of their life but they may find that they have worked for many, many years and in the end they may have to continue working either because of an insufficient pension or because there are none of the benefits which they have been promised.

Because of the importance of having this dealt with over a long period of time, be it 50 years or whatever one takes as a projection, it has to be done right and if mistakes have been made they have to be properly corrected. It is with this in mind that my approach in dealing with aspects of this law will be looked at. I would like to make it clear that I support the principle of pensions, I support proper pensions, I am not prepared to support a considerable amount of the major provisions in this bill which I believe are not in the interest of producing a good pension scheme on a long term basis.

There are areas of this that must be looked at in some considerable depth by the Committee that will deal with it. Time must be taken to ensure that there is proper representation and proper digestion by the Committee, of this complex matter - because it is not simple - before it finally reports and brings on the scheme that we hope will last for our lifetimes and will work and be beneficial for our lifetimes.

My first objection is technical and the fact is that after considerable pressure by the general public was put on the Member for Health and Social Services, he produced draft Regulations and these regulations, while dealing with a substantial part of what was requested by the public, are still no more than draft regulations. They can be changed before they are brought into force. The Member could go back, get into the wrong mood and change something; bring it back to Executive Council and then we would have Regulations that are different from what is here.

One of the first things that I would like to see happen (and I did it with the Education Law and other laws), is that when these regulations are settled they are scheduled to this law so that we know with certainty whatever is passed is passed as a package. I noted in one of the press releases (and I believe it was the Member himself dealing with the subject), he did refer to these as draft Regulations to be

made at a later stage. As I understand it, these are not scheduled to the Bill. When a bill comes back from the Committee to go through the House the bill is going to go through and we may get an undertaking that regulations are going to be made.

What I would like to have done is that when we go into the Committee whatever regulations are settled there are scheduled to the law and brought into operation at the same time as the law is, unless there is a reason that these should come into operation at a later date.

I know that section 43 of the Law states that: "No regulations shall be made under this Law unless a draft of such regulations has been laid before the Legislative Assembly and a resolution approving the draft has been passed by the Legislative Assembly.". There are crucial regulations in this which if not brought to this House can make this Bill meaningless. So what I am saying at this stage is that principal regulations the Committee looks at or decides on come into operation through a Schedule to this law, annexed to it, and everything comes up as a package. That would make for certainty in that aspect.

I guess while on the questions of Regulations the Law 42 seems to provide a general penalty and I believe that it would be better if the penalty were not exceeding the \$500, so we do not have to get into a question of the Interpretation Law and everything else. That is really very minor, I think we know what is meant there. At least the Member has taken one step and we do have the draft Regulations that go with it because the Law originally was what is termed a skeleton law. It is basically a law to make regulations. He has produced them with this but at a later stage as I will show, he has not done so with another very important law.

Moving from there, and I will only be dealing with what I see as major areas of this in principle, I would like to have a look at the extent to which certain sections of the law go and to deal with those sections in relation, in some instances, to the regulations that apply to them.

One other technical point was in section 12(6) which makes it a criminal offence where there is obstruction and impediment, hindering, molestation, etcetera, of an inspector. We either should get something in the law which ensures that that inspector is properly identifiable or we put into the law words to the effect that any person, after proper identification by the inspector, ensures that anyone who may be caught under this penal section knows that there is an inspector under the law who is giving him instructions or telling him to do something. I think there, unlike constables which are by and large in uniform, there is nothing specifically written in here at least...

HON. D. EZZARD MILLER:

Madam Speaker, I would draw the Member's attention to 12(2):

"Every inspector shall be furnished with a certificate of his appointment and on applying for admission to any premises or place for the purposes of this Law shall produce the certificate."

MR. TRUMAN M. BODDEN:

While I just stood, and did not give way, I thank the Member for referring to that.

What I am dealing with here is a person entering a premises. This can relate to a person hindering, impeding, molesting, failing to furnish any information, failing to produce a document and everything else. So an inspector is not necessarily going to go around with his certificate around his neck. It looks to me like that section specifically relates to premises. This section here looks like it is extremely wide and can go beyond the entering of premises. All I am saying is that if the Member means for that to happen then let us put in words that nobody will be liable unless a certificate is produced to persons whether they are entering premises or not before we bring into effect a section as we have here that could happen off premises. You could say any person who without reasonable cause obstructs, an inspector in uniform or an inspector properly identified or something but it is a wide power again given to one person.

The pension fund seems to me not to be fully funded nor is it one where there can be certainty that the contributions to it will be able to meet the many payments, not just to pensions, but also matters such as disability benefits which are very elastic in the amounts that can be drawn under those sections. Unless we have sufficient actuarial documentary information (and not just from one actuary) showing that what is being done here can be done on the contributions of eight per cent over a period of time and over a period of time projected to be sustained, then we are beginning on the wrong foot.

This is a scheme which if not properly funded in the beginning, the chances of it being fully funded at a later stage are slim. It is misleading if we are going to bring in a concept with a low charge if benefits cannot be met by it and we have to come back in two or three years time when the actuarial report comes in to say 'Whoops, we made a mistake and we are going to have to go up a couple of more percentages from your salary or income.'

In dealing with this aspect of it, it is of crucial importance that as we begin to look at the concept of pensions and the other benefits, that we have the benefit of carefully documented actuarial opinions on the fund itself.

I realise that there is always scope that as time goes on, either investments or the benefits may exceed projections; but if there has to be an error in relation to the funding of the pension plan, then that error should be towards too much rather than too little. I believe that when that, and the number of benefits that have been put forward in this are looked at, that eight per cent is not going to be a reasonable figure to deal with the actuarial projections which are realistically carried out on this plan. This means that something may have to be altered. We have to begin the pension plan right because if not then we are going to be heading for far more trouble than we expect and at a much earlier stage in the life of the Pension Plan.

**MOMENT OF INTERRUPTION - 4:30 P.M.
STANDING ORDER 10(2)**

MADAM SPEAKER:

Excuse me, will the Honourable Member be finished shortly?

MR. TRUMAN M. BODDEN:

Madam Speaker, I was just beginning. I have about five major areas I would like to look at. I have finished with this aspect of funding. I have another aspect of funding but I can easily break.

MADAM SPEAKER:

motion for the adjournment of the House.

Yes, this is a 4:30 p.m. interruption. I would now entertain a

ADJOURNMENT

HON. THOMAS C. JEFFERSON:

o'clock Monday morning.

I move the adjournment of this Honourable House until 10

MADAM SPEAKER:

until 10 o'clock Monday morning.
against No.

The question is that this Honourable House do now adjourn
I shall put the question. Those in favour please say Aye...Those

AYES.

MADAM SPEAKER:

Monday morning at 10 o'clock.

The Ayes have it. The House is accordingly adjourned until

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., MONDAY, 24TH JUNE, 1991.

**MONDAY
24TH JUNE, 1991
10:05 A.M.**

MADAM SPEAKER:
Cayman.

Prayers by the First Elected Member for Cayman Brac and Little

PRAYERS

CAPT. MABRY S. KIRKCONNELL:

Let us Pray.

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

Bless our Sovereign Lady Queen Elizabeth II, 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 Speaker of the Legislative Assembly, 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.

Let us say the Lord's prayer together: Our Father who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done 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.

MADAM SPEAKER:

Proceedings are resumed.

Member for Bodden Town.

Question No. 110 standing in the name of the First Elected

QUESTIONS TO HONOURABLE MEMBERS

FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION, ENVIRONMENT, RECREATION AND CULTURE

NO. 110: Would the Honourable Member say what are the circumstances under which the Police could be requested to assist the authorities at the Cayman Islands Middle and High Schools?

ANSWER: Police could be requested to assist the authorities of any Government School if circumstances develop which are beyond the control of the staff or if there is an incident involving criminal activity.

SUPPLEMENTARIES

MADAM SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

I wonder if the Honourable Member could say how many incidents in the recent past prompted such request to be made? And, if he could give this Honourable House, the details of those incidents?

HON. BENSON O. EBANKS:

Madam Speaker, in the case of the Middle School, police have been requested to give assistance when trespassers on the compound refuse to leave. As far as law enforcement at the High School a similar incident, that is trespassers refusing to leave, that is now coped with I am happy to say by the guard from Shield Security. There was an incident of students in a fight using dangerous weapons and in that case the police were called in, and there was one of a case of theft.

MADAM SPEAKER:
Cayman.

The Second Elected Member for Cayman Brac and Little

MR. GILBERT A. McLEAN:

Would the Member say if teachers on a daily basis generally observe or check pupils who attend the various classes to determine whether they may be in possession of a dangerous weapon?

- HON. BENSON O. EBANKS:** Yes, Madam Speaker, that is a routine procedure. That is, if someone is suspected of it or if they have something that it could be concealed in.
- MADAM SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** In the case in which the police were called in to check for the use of dangerous weapons, would the Honourable Member say whether there was one individual involved in this case or whether it was a situation of gangs?
- HON. BENSON O. EBANKS:** There were four students involved in the fight, Madam Speaker.
- MADAM SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** I wonder if the Honourable Member could say exactly what kind of dangerous weapons were involved?
- HON. BENSON O. EBANKS:** In this incident, Madam Speaker, it appeared as though it was metal pipes.
- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Would the Member say if the police pressed any charges, or did the children involved have to appear in Juvenile Court?
- HON. BENSON O. EBANKS:** Madam Speaker, I believe that this incident happened very recently and is perhaps sub judice.
- MADAM SPEAKER:** First Elected Member for West Bay.
- MR. W. McKEEVA BUSH:** Madam Speaker, can the Member say whether knives ever came into play from the gangs at the school?
- HON. BENSON O. EBANKS:** Not at this time. To the best of my knowledge we had an incident of that more than a year ago, but not recently.
- MADAM SPEAKER:** First Elected Member for Bodden Town.
- MR. ROY BODDEN:** May I ask the Honourable Member what is being done to curb the apparent birth of gang activities at the schools?
- HON. BENSON O. EBANKS:** Counselling, Madam Speaker, beyond that I do not know what we would do.
- MADAM SPEAKER:** The First Elected Member for West Bay.
- MR. W. McKEEVA BUSH:** Can the Honourable Member say whether the school is being infiltrated by students of the Community College and these also are making the situations worse?
- HON. BENSON O. EBANKS:** I did not get that question, Madam Speaker.
- MR. W. McKEEVA BUSH:** Are the Middle and High Schools being infiltrated by students from the Community College, and is this also causing the problems?
- HON. BENSON O. EBANKS:** Madam Speaker, I have been told that some student use those premises as a short-cut, but beyond that I have not been made aware of any problem being caused by them.
- MADAM SPEAKER:** The Second Elected Member for Bodden Town.
- MR. G. HAIG BODDEN:** Madam Speaker, will the Member say if these offending students have been identified as coming from any particular district or from any particular area, or any specific nationality or anything that might identify them as a particular group?
- HON. BENSON O. EBANKS:** I could not answer that one with any degree of particularity. As indicated by the question of the First Member from Bodden Town and this question, I have been made aware that there is evidence of, shall I say, group or gang activity which of course and attempt is being made to stamp it out. But this is a recent appearance on the scene.
- MADAM SPEAKER:** The next question No. 111 standing in the name of the First

Elected Member for Bodden Town.

FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION, ENVIRONMENT, RECREATION AND CULTURE

NO. 111: Would the Honourable Member say how many children were suspended during the last school term, and what were the offences and the duration thereof?

ANSWER: The number of students suspended during the last School term, the nature of offences leading to the suspension and the amount of time for which each student was suspended are listed in the table below:

SCHOOL	NO. OF STUDENTS	NATURE OF OFFENCES	DURATION OFSUSPENSION
CIMS	17 16 boys 1 girl	(a) Excessive disruption of classes. (b) Endangering the safety of other students. (c) Possession and/or use of threatening weapon. (d) continual bullying. (e) Threatening a teacher. (f) Obscene language. (g) Drinking alcohol on the morning bus. (h) Continual refusal to behave in detention. (i) Rudeness and disrespect to teachers.	(1) 1 day - 3 students. (2) 2 days - 1 student. (3) 3 days - 3 students. (4) 4 days - 1 student. (5) 5 days - 1 student. (6) 7 days - 8 students. (7) 3 of the boys already suspended several times were suspended for 30 days by the Chief Education Officer
CIHS	48 37 boys 11 girls	(a) Abuse and threats to teachers - 10 boys and 1 girl. (b) Fighting and violence - 11 boys and 8 girls. (c) Refusal to accept punishment, eg, strap, withdrawal room - 2 boys. (d) Persistent truancy - 2 girls. (e) Persistent misbehaviour and disruption - over 7 detentions for the term - 8 boys. (f) Vandalism, eg, setting off fire alarms and breaking glass - 4 boys. (g) Sexual attack on a girl - 2 boys.	(1) 2 days - 7 students. (2) 3 days - 30 students. (3) 4 days - 2 students. (4) 5 days - 2 students. (5) 7 days - 7 students.
CBHS	4	(a) Repeated and persistent misbehaviour and lack of cooperation - 1 student. (b) Boarding and driving a teacher's truck while it was parked on the campus - 1 student. (c) Writing abusive graffiti on art room drawing boards immediately after an extraordinary full school assembly denouncing graffiti which had previously been etched on the windows of the same room - 1 student. (d) same as (c) - 1 student.	(1) 4 days - 1 student. (2) 2 days - 1 students. (3) 3 days - 1 student. (4) 3 days - 1 student.

SUPPLEMENTARIES

MADAM SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

Other than suspension, would the Honourable Member say what other means and methods are used to deal with these kinds of problems in the school?

HON. BENSON O. EBANKS: Madam Speaker, there is strapping, they have a withdrawal room, there is counselling and all manner of approaches have been used.

MADAM SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member is in a position to say how, comparatively speaking, these statistics compare with what we got last time in terms of increase or decrease in this type of behavior and in these incidents of suspensions?

HON. BENSON O. EBANKS: Madam Speaker, I would think that they are fairly consistent. The figures of course represent a total school population of 996 at the Cayman Islands High School (CIHS), 755 at the Cayman Islands Middle School (CIMS), and 106 at the Cayman Brac High School (CBHS).

MADAM SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: In cases where such incidents of disruptive behaviour start, for example in the Middle School, what follow-up activities are in place when the student enters the High School to try and curb this type of behavior?

HON. BENSON O. EBANKS: Madam Speaker, the students records are transferred from one school to the other and naturally the whole staff is devoted to trying to curb the behaviour of these children. Additionally, the Member would know that the question of Alternative Education is being arranged to deal with the most unwieldy and persistent of this type of child.

MADAM SPEAKER: First Elected Member for West Bay.

MR. W. McKEEVA BUSH: In connection with the Member's answer to the last supplementary, can the Member say when this action was started?

HON. BENSON O. EBANKS: Madam Speaker, the actual classes in any formal setting started earlier in this school year. Provision was made from the beginning of September last year, but unfortunately the effort was thwarted by objections to the use of the building that was identified for the purpose during the planning process.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member could say whether this type of behaviour is limited to students from what we call in the profession, a particular socioeconomic status, or whether this type of behaviour spans the broad spectrum?

HON. BENSON O. EBANKS: It would be more correct to say that it spans the entire spectrum of the school population.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member say if any effort has been made by teachers to identify and enforce against this type of behaviour? As such behaviour has to have some root in a particular type of psychology, does the Member believe that his Portfolio has gotten across to teachers and students alike that this type of behaviour is condemned by all political persons in this country, and that the Member has full support on this type of issue, and there is no division?

HON. BENSON O. EBANKS: Madam Speaker, I would think that that is the case. I would think that the authorities have gotten across to the school what is expected and I believe that these recorded incidents indicate that teachers are in fact enforcing discipline.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member can say whether it is mandatory for parents of these types of students to attend counselling sessions with the students?

HON. BENSON O. EBANKS: Yes, Madam Speaker, the Counsellors at the school attempt to get parents to attend, but often, having made appointments they do not show up. Counsellors have gone as far as to go to the homes to talk to parents as well as to fetch the children out for counselling.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Member can tell this Honourable House whether in these cases there are any attempts to liaise with the Social Services Department so that the attendance at

counselling and the background study of these kinds of cases can be more thorough?

HON. BENSON O. EBANKS: There is liaison with the Social Services Department, Madam Speaker.

MADAM SPEAKER: Question No. 112 standing in the name of the First Elected Member for Bodden Town.

FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION, ENVIRONMENT, RECREATION AND CULTURE

NO. 112: Would the Honourable Member say what is the policy regarding corporal punishment in the Government Schools of the Cayman Islands?

ANSWER: The policy regarding corporal punishment in the Government Schools of the Cayman Islands is as set out in Part VI of the Education Law 1983. That is "That notwithstanding any other law to the contrary corporal punishment may be administered to a pupil only where no other punishment is considered suitable or effective by the Principal and only by the Principal or any teacher appointed in writing by him for that purpose."

SUPPLEMENTARIES

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member could say whether any attempt has been made to assess the deterioration in behaviour since the abolition of corporal punishment?

HON. BENSON O. EBANKS: Madam Speaker, I did not say that corporal punishment has been abolished. I said that it is administered by the Principal, or by a teacher authorised by him when no other form of punishment is considered suitable and effective.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Can the Member say whether he is in agreement with this section of the Education Law?

MADAM SPEAKER: That is asking the Honourable Member for an expression of an opinion.

MR. ROY BODDEN: I will rephrase my last question. Can the Honourable Member say if any attempt has been made to assess this deterioration in behaviour in light of the scaled down use of corporal punishment in the school system?

HON. BENSON O. EBANKS: Not to my knowledge, Madam Speaker. The Member should realise that I quoted the 1983 Education Law, and I believe that this policy had been in effect considerably before that. Consequently it is a long period of time that we are talking about.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Will the Member say how much use is made of corporal punishment and if there are any written policies from his Portfolio to the schools with regard to discipline?

HON. BENSON O. EBANKS: Madam Speaker, I had hoped to have a more complete answer for that question. In the case of the High School a total of 43 students received corporal punishment, that is strapping during the past school year, I requested but have not yet received similar information from the other schools. There certainly is in existence a manual in regard to enforcement of discipline.

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: Could the Member say whether or not there is a prescribed process with regard to the administering of corporal punishment in the Cayman Islands High School and Middle School?

HON. BENSON O. EBANKS: As I said earlier, Madam Speaker, it must be administered by the Head Master or a teacher designated by him for that purpose. Every incident of corporal punishment must be recorded in a log book with the details of the punishment.

MADAM SPEAKER: Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: What I was trying to gain from the question was whether or not there are any limitations in regard to the number of strokes, and whether or not there is somebody in addition to the Principal of the school there, as a witness when these corporal punishments take place?

HON. BENSON O. EBANKS: Madam Speaker, I was just given the information I had referred to earlier by my Principal Secretary. I wonder if the Member could repeat that question? I did not catch all he said.

MR. JOHN D. JEFFERSON, JR.: Madam Speaker, with regard to my first question, I was wondering whether or not there are any prescribed limitations with regard to the number of strokes a student is administered for any particular offence; and whether or not there is a requirement that somebody else is present during the administering of corporal punishment?

HON. BENSON O. EBANKS: Madam Speaker, to the best of my recollection there is no limitation or prescribed punishment for any particular offence. That is left to the discretion of the Head Master. That is why it is the Head Master or a teacher designated by him only, to give it. I am not certain that there is a requirement for another teacher to be present, but I would assume that in each instance the Head Master would think that it was in his best interest and in most instances I am aware that there are witnesses.

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: Madam Speaker, in light of the day in which we live where child abuse is such a prevalent matter, I would have thought that it would be in the best interest of the administration to have a prescribed process as far as corporal punishment is concerned. I wonder if the Member would give an undertaking that this will be looked into with the objective of establishing some type of criteria for the administering of corporal punishment?

HON. BENSON O. EBANKS: Madam Speaker, I can give the Member the undertaking to look into it, but I should also tell him that as of now, I do not share his view. I believe that the Head Master should be given that discretion and I went to school and I recall when it took a teacher 16 attempts to deliver four actual lashes. If you start saying how many lashes should be administered for a particular offence you will get all of that discrepancy creeping in. Head Masters are responsible, experienced people and I have not heard any accusation of child abuse levied against them. In fact, by the questions that have been asked it would seem that most Members were under the impression that corporal punishment had been abolished in the schools. Therefore, I do not see where there is this big case for preventing child abuse.

While I am on my feet I would give the information that was asked for awhile ago about the number of times that corporal punishment was administered in the various schools.

MIDDLE SCHOOL	198
CAYMAN BRAC HIGH SCHOOL (involving 11 children)	8
GEORGE TOWN PRIMARY	22
SAVANNAH PRIMARY	7
NORTH SIDE PRIMARY (involving 20 children)	8
WEST BAY PRIMARY	15
BODDEN TOWN PRIMARY	10
EAST END PRIMARY	6
WEST END PRIMARY	7
SPOT PRIMARY	12
CREEK PRIMARY	6
CAYMAN ISLANDS HIGH SCHOOL	147

MADAM SPEAKER: Question No. 113 standing in the name of the First Elected Member for Bodden Town.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION, ENVIRONMENT, RECREATION AND CULTURE

NO. 113: Would the Honourable Member say what is the current status of the proposed land acquisition for the Breakers playing field?

ANSWER: The parcel of land was transferred to Crown ownership on 11th October, 1990. This Honourable House was advised of this acquisition in the November 1990 Meeting.

SUPPLEMENTARY

MADAM SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: May I then ask the Honourable Member when can it be expected for work to commence to convert this land into a proper playing field?

HON. BENSON O. EBANKS: Funds in the Budget for this purpose in 1990 could not be used because of the late acquisition of the land and because of Budgetary constraints we were not able to include any money this year. It is an item for consideration in the 1992 Budget.

MADAM SPEAKER: Question No. 114 standing in the name of the Third Elected member for West Bay.

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

NO. 114: Would the Honourable Member advise this Honourable House as to what process was used by Government in selecting Cayman Islands Television and Video Productions Company Limited (CITV) to be awarded a licence to produce television broadcast locally in the Cayman Islands?

ANSWER: CITV submitted, in December 1990, a request seeking approval-in-principle for a non-exclusive licence to engage in television broadcasting. Government has agreed to the request subject to negotiating a formal licence. This licence has not been issued. A temporary licence for a single channel was issued for a period of six months on the 24th of May, 1991.

SUPPLEMENTARIES

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: In the answer provided by the Member he mentioned that Government had issued a temporary licence to CITV and then agreed to also consider a request from CITV for the issuance of a formal licence. I wonder if the Member could say whether or not this licence will only be considered for issuance after Government has obtained the consultant, which they said they were going to get, to advise them on local television?

HON. J. LEMUEL HURLSTON: Madam Speaker, the granting of any additional licence is still the subject of on-going negotiations. I would not wish to comment on those negotiations beyond saying that they are on-going.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Madam Speaker, would the Honourable Member say whether the negotiations are only with CITV or whether he is negotiating with other companies?

HON. J. LEMUEL HURLSTON: CITV's application is the most advanced in the pipe-line. There are other proposals also being looked at, at this time.

MADAM SPEAKER: Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Madam Speaker, what I asked was would the Member say whether he is only negotiating with CITV or are you also negotiating actively with other companies?

HON. J. LEMUEL HURLSTON: Negotiations are on-going with CITV and other proposals are about to commence negotiations also.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: The reply to the question seems to be a bit confusing, at least to me. It says that CITV applied for a licence and Government has agreed to the licence. The licence has not been issued but a temporary licence has been issued. Would the Member explain just what the state of affairs are with respect to Government's agreement between itself and CITV?

HON. J. LEMUEL HURLSTON: The company made an application in December and the Government in January granted approval in principle to the request subject to negotiating the relevant licence. Those negotiations commenced and are on-going. In the meantime a temporary licence has been granted.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member say if before this there was any instance in Government where such a condition existed, that when a company applied to Government for a licence to do a certain thing, that the entity was granted a temporary licence while the licence was being negotiated?

HON. J. LEMUEL HURLSTON: Madam Speaker, under the Broadcasting Law there is provision for the granting of licences and there is nothing unusual or irregular in the granting of a temporary licence pending the finalisation of a full licence. There is nothing irregular about that.

MADAM SPEAKER: Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Honourable Member say whether this temporary licence has anything in it which allows the licensee to interfere with the persons who use satellite dishes in the Cayman Islands?

HON. J. LEMUEL HURLSTON: No, Madam Speaker.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member explain what is implied by Government's approval for a single channel broadcast in the Cayman Islands?

HON. J. LEMUEL HURLSTON: The licence enables the company to engage in broadcasting using frequencies that are designated by megahertz and these translate to channels on television sets. The particular channel that has been allocated to this application, I believe, is channel 32 on the television set.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Could the Member clarify if CITV will be emanating that signal from a point in the Cayman Islands, or is it some arrangement whereby signals available from satellites will be broadcast through CITV to people in the Cayman Islands?

HON. J. LEMUEL HURLSTON: My understanding is that CITV's licence authorises it to engage in the transmission locally of that signal. That signal, therefore, will originate domestically.

referred to earlier is channel 33; and this UHF channel operates on the wave length between 584 and 590 megahertz.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member confirm that Government's commitment to CITV is such that they have issued a temporary licence with the undertaking in effect guaranteeing this company a licence to do as it has originally requested?

HON. J. LEMUEL HURLSTON: Providing that it is understood that What the company originally requested was a non-exclusive licence. The Government is negotiating that at the moment, yes.

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: The Member keeps referring to a non-exclusive television licence. I wonder if it is the objective of Government when they issue the licence for national television to have an exclusive licence issued in that case? What is the position of Government?

HON. J. LEMUEL HURLSTON: Madam Speaker, Government has not taken a decision on the question of national television as yet.

MADAM SPEAKER: The next Question is No. 115.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 115: Would the Honourable Member say who authorised the building of the four bedroom house on the Government cistern which supplies the Government trailer house in Little Cayman, and under what Head were the funds allocated for this work in the 1990 or 1991 Estimates?

ANSWER: The building of the four-bedroom house on the Government cistern which supplies the Government trailer house in Little Cayman was authorised by the District Commissioner in 1990, following approval of funds for it in the Legislative Assembly.

District Administration's estimates were discussed with the Administrative Secretary and the two

Elected Representatives who concurred with the estimates prior to their submission to the Financial Secretary.

The building appeared in the draft Estimates from District Administration and an amount of \$45,000.00 was approved in 1990 under Head 41-011 - Government Staff Housing.

SUPPLEMENTARIES

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member say when this house was started?

HON. J. LEMUEL HURLSTON: I do not have the precise date of the start of construction but it was late in the year, 1990.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Were the funds that were allocated in 1990 sufficient to complete the house and if not are any funds available for it and was there any approval to carry over funds from 1990 for this project?

HON. J. LEMUEL HURLSTON: The sum that was approved in 1990, Madam Speaker, was insufficient to complete the project. No funds were re-voted in 1991 to complete it. It is estimated that a further \$27,000 is required to complete it. There have been savings identified under other items in the Capital Budget with which this project may be completed and a request has been submitted for a supplementary appropriation in order for this to be done.

MADAM SPEAKER: Question No. 116 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

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

NO. 116: Would the Honourable Member say whether Government's policy, and the guidelines of the Development Control Board, allow construction of the balloon-type structure on the South Side in Cayman Brac?

HON. LINFORD A. PIERSON: Madam Speaker, in order to give some guidance with possible supplementaries it should be understood that while the Development Control Board is appointed through Grand Cayman, the Chairman of the Board is from Cayman Brac and Little Cayman and it is indeed an autonomous body with little supervision from Grand Cayman. I made this point to say that it is my intention in future where similar questions arise to request the presence of the Chairman of that Board as is the case of other departments within my Portfolio.

ANSWER: There is no Government policy to preclude the construction of the "balloon" type structure on the South Side of Cayman Brac. Section 3(a) of the Guidelines for Development Control in Cayman Brac states that the people of Cayman Brac and Little Cayman believe that a system of free enterprise is best suited to their needs at this early stage, and a flexible set of guidelines is required which permits the people of the Islands the discretion of their planning. In the absence of any guidelines prohibiting the "balloon" type construction, the Development Control Board considered and approved the construction of the "balloon" type structure.

SUPPLEMENTARIES

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member say if the Portfolio of Communications & Works has responsibility for the Development Board to the extent that as of now the Member answers in Parliament for it; and if that Board indeed took on itself extraordinary authority to approve certain buildings such as this balloon structure, that the Portfolio has no say in what happens in this country in this instance?

HON. LINFORD A. PIERSON: Madam Speaker, the Board did not take on any extra ordinary authority. It has the authority under the guidelines to have approved this type of structure; because, basically there is no specific guideline as to the aesthetics of buildings either here or in Cayman Brac, but particularly this is so in

Cayman Brac and Little Cayman. They use their own discretion in this matter, Madam Speaker.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: I would like to ask the Member if because this is such an extraordinary type of construction, if the Board enquired of the Portfolio, the Member or the Board in Grand Cayman that has many more guidelines about this type of structure and what was their thinking in respect of it?

HON. LINFORD A. PIERSON: Not as far as the aesthetics of the building is concerned, Madam Speaker. Reference was made for guidance as regard to the structural integrity of the building.

MADAM SPEAKER: The time is now 11 o'clock.

11:00 A.M.

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

HON. THOMAS C. JEFFERSON: I move the suspension of Standing Order 23 (7) and (8) to enable the remaining questions on the Order Paper to be taken..

MADAM SPEAKER: I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM SPEAKER: The Ayes have it.

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

MADAM SPEAKER: Please continue.

MR. GILBERT A. McLEAN: Would the Member say if this enquiry by the Board in Cayman Brac was done prior to the approval being given or after that? Precisely what was the enquiry of the Cayman Brac Board to the Board in Grand Cayman.

HON. LINFORD A. PIERSON: Madam Speaker, I believe that this answer forms a part of the next question that is to be asked. Perhaps the Member would want to defer to that next question.

MADAM SPEAKER: Question No. 117 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

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

NO. 117: Would the Honourable Member say whether anyone associated with the building of the "Balloon House" on the South Side in Cayman Brac, served the adjoining landowners with notice that the structure was being built; were the owners or developers of the structure required to advertise in the local newspaper; and was approval of the plans of the "Balloon House" by the Chief Building Control Officer a requirement of the Development Control Board prior to it giving its approval for construction?

ANSWER: The adjoining land owners were notified by registered mail that the structure was proposed and the adjoining land owners were advised that a copy of the application could be inspected in the Planning Office in the Government Administration Building in Cayman Brac.

The owners/developers of the structure were not required to advertise in the local newspaper as this is not a requirement in the case of low density residential under the Development and Planning Law.

Approval of the applications by the Development Control Board was granted on 9th April, 1991. The approval of the Chief Building Control Officer was given on 19th April, 1991.

SUPPLEMENTARIES

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

- MR. GILBERT A. McLEAN:** Madam Speaker, when was the adjoining land owners notified of the proposed structure being put in place?
- HON. LINFORD A. PIERSON:** Madam Speaker, registered letters were sent out on March 15, 1991.
- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Were there any replies from adjoining land owners, and was it clearly set out that this was an extraordinary type of construction?
- HON. LINFORD A. PIERSON:** My staff really does not have that answer here available so I will have to provide it in writing to the Member.
- MADAM SPEAKER:** The First Elected Member for Cayman Brac and Little Cayman.
- CAPT. MABRY S. KIRKCONNELL:** Would the Honourable Member confirm that it is the policy of the Central Planning Authority in Grand Cayman and the Development Control Board in Cayman Brac, to issue approval conditional to the approval of the Building Control Officer, the Chief Environmental Health Officer, the Fire Chief and others?
- HON. LINFORD A. PIERSON:** That procedure is correct.
- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Could the Member confirm that the First Elected Member for Cayman Brac is a member of the Development Control Board?
- HON. LINFORD A. PIERSON:** I so confirm, Madam Speaker.
- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Why is it that the Development Control Board granted this approval when the approval of the Chief Building Control Officer did not come in until 10 days after the approval was given for the building?
- HON. LINFORD A. PIERSON:** Madam Speaker, it is my understanding that the approval given on the 9th of April was subject to certain conditions, one of which was the approval of the Chief Building Control Officer.
- MADAM SPEAKER:** The Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** Madam Speaker, would the Honourable Member say when the building began on the site?
- HON. LINFORD A. PIERSON:** Madam Speaker, as said earlier (thus the need to have the Chairman present), I do not have that information available but I will get it from the District Commissioner.
- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Madam Speaker, I note in the reply that no advertisement in the local newspaper was required for the construction of this structure. May I ask why? because this is so unusual a structure. Did the Board not think it necessary for there to be an advertisement? Why is there an exception in this case? For example, on January 16th the Board forced a Church to advertise in the paper for three weeks and sent back the application for that particular building on three separate occasions.
- HON. LINFORD A. PIERSON:** The position, Madam Speaker, under the Law is that low density residential construction does not need to be advertised in the paper. But, in regard to a Church, it would be necessary to have this done, according to my Principal Secretary.
- MADAM SPEAKER:** The First Elected Member for Cayman Brac and Little Cayman.
- CAPT. MABRY S. KIRKCONNELL:** Since I have been identified as a member of the Development Control Board, would the Member confirm that the reason for the deferment of the Church in question was the fact there were covenants registered in that subdivision prohibiting the building of steel buildings or steel roof buildings

and there was also the idea of a change of use? There was not a change of use with the balloon type house site.

HON. LINFORD A. PIERSON: Here again, Madam Speaker, the need to have the Chairman present. I am not privy to the details of this and I will have to supply an answer to that supplementary question in writing.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, in view of what seems to be a clear situation, that the Development Board in Cayman Brac really does act autonomously, would the Member give consideration to, or attempt to bring in focus or in-line with common, acceptable practices as used here in Grand Cayman, the actions of the Development Board? And, would he prevail upon the Chairman to seek some advice and get in touch with the Portfolio or Town Planning Authority in Grand Cayman?

HON. LINFORD A. PIERSON: Madam Speaker, I should clarify what I said earlier, that in cases of technical advice the Development Control Board does, in fact, consult with Grand Cayman. But there is no question at all that in normal cases it acts autonomously. I will be speaking with the Member responsible for Cayman Brac and Little Cayman to try to perhaps rectify this problem that we are having with regard to answers on supplementaries not being readily available here in the House.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam speaker, I would like to ask the Member if there is a likelihood that there will be more similar types of houses being built in Cayman Brac without any question being raised, whether they should be built there for aesthetic reasons or otherwise? Is the Portfolio looking into this matter before allowing or agreeing that such be done?

HON. LINFORD A. PIERSON: Madam Speaker, as the Member may be aware, my Portfolio has recently commissioned the Review of the 1977 Development Plan as a part of this exercise, Cayman Brac and Little Cayman will indeed be given priority. It is hoped that during the revision of this Plan attention will be given, not only to the structural integrity of buildings, but indeed, to the aesthetics of buildings.

Also, with the implementation of the Building Code that is now being finalised, it is hoped that the whole question of buildings in Cayman Brac and Little Cayman, as in Grand Cayman, will be given very close attention.

MADAM SPEAKER: Question No. 118, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

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

NO. 118: Would the Honourable Member say what date were the materials for the erection of the 'Balloon House' landed in Cayman Brac; and what date did the Development Control Board approve of the plans for the construction?

ANSWER: Materials for the erection of the 'Balloon House' landed in Cayman Brac on various dates. The two items identifiable as materials for the erection of the 'Balloon House' which first arrived were foam and a tent. These landed on 29th April, 1991. The Development Control Board gave unanimous approval of the 'Balloon House' on 9th April, 1991.

HON. LINFORD A. PIERSON: That is the substantive answer, Madam Speaker, but I think I should clarify this matter because I have an idea what the Member is seeking to obtain.

On April 12th, 1991, a storage trailer, two trucks, one tractor, one blower, one welder, one compressor, one pump, one batching plant and miscellaneous tools arrived. On April 29th, one trailer and one boom also arrived.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Has the Member received sufficient information to conclude that the whole matter has taken on quite extraordinary circumstances, and does the Member intend to look into the matter of the construction of that house where it involves both the type of structure and the persons who are involved with its development?

HON. LINFORD A. PIERSON: Madam Speaker, I am not aware of the extraordinary circumstances alluded to by the Member asking the questions. As mentioned earlier in another question, we are

looking at the whole construction of buildings in Cayman Brac and Little Cayman. And, yes, my Portfolio will be paying very close attention to this in future.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, I would like to ask the Member for Communications to take careful note of the family relationships of the person involved with this, plus the relationships of Government serving Government offices in terms of the Board which grants the approval; and to ascertain that it is not a type of situation where the Government has a conflict of interest. I could go on further, but if the Member would give that undertaking, I would be happy.

HON. LINFORD A. PIERSON: Madam Speaker, I will give that undertaking.

MADAM SPEAKER: The House will be suspended for 15 minutes.

AT 11:20 A.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 11:55 A.M.

MADAM SPEAKER: Please be seated. Proceedings are resumed, Second Reading Debate on the National Pensions Bill, 1990. The Third Elected Member for George Town, continuing.

GOVERNMENT BUSINESS

BILLS

SECOND READING

THE NATIONAL PENSIONS BILL, 1990

(Continuation of debate thereon)

MR. TRUMAN M. BODDEN: Thank you, Madam Speaker.
The Member for Health and Social Services stated in a letter of the 16th of November last year to the Chamber of Commerce the following words: "I regret to inform you that I regard the subject of the National Pension Bill, closed." A very general statement. Now, some five or six months later, the Bill itself has come to this Honourable House as a Green Paper to be debated and dealt with.

That was written at a time when this country - the people, and not just the Chamber of Commerce - had rejected the Bill in the form that came out. It had been rejected nationally and the Member should have taken the six months to go back and do his homework and amend it into something that could have been worthwhile. I believe that pensions are important and should come in. Taking this Bill as it is, it is neither in the interest of the country, nor is it in the interest of either the short-term or the long-term of the employer and the employee.

I guess some people never learn, but when we stand as representatives of the people we have to clearly understand that our duty is to represent. When there is an overwhelming voice of the people to alter something, or stating that it is not good, then we have a duty to either withdraw it, or to amend it in some way that it complies with the majority of the wishes of the people.

I would like to go on now to deal with a technical point. I would ask Members to bear with me because I understand that the Member for Health and Social Services mentioned that he will be putting the Bill into a Select Committee that he would like to have Chaired by, you, Madam Speaker. Well, I have never heard of a Select Committee being Chaired by a Speaker or President before because normally you preside within the House and normally committees are a lower grade of parliamentary debate and procedure which you are normally not involved in. I would like to turn to Standing Order 49(1) and that reads as follows: "49. (1) When a bill has been read a second time it shall stand committed to a Committee of the Whole House, unless the House on motion made refer it to a select committee." I understand from the Member that he is going to refer this to a Select Committee. That is correct. Now Standing Order 69(2) states that: "69. (2) The Presiding Officer may nominate the Chairman of a select committee from among its own Members; if he does not make a nomination, the committee shall elect one of the Members to be Chairman." That clearly points to the fact that you, Madam Speaker, would be nominating a Chairman. To be very frank about it, usually it is the Member who pilots the Bill. I have never seen the President, as has been in the past, actually nominate himself to it. That is further enforced in section 32(2) of the Constitution because the word 'Member' in the Standing Orders is referred to as a Member of the House. By the way, I only had a very short period this morning to look at this because I missed that he made that point until another Member picked it up. But 32(2) says: "32. (2) The Governor, acting in his discretion, may appoint a Speaker of the Legislative Assembly, who shall be a person, whether or not a member of the Assembly."

I would deduce that if you were actually appointed from within the membership of the Assembly, that you would then be a Member of the House. But, as you have not been appointed a Member of the Assembly, you would not, in reality, be a Member as defined in here. You would be, naturally, a part of the House. You would be Speaker in your elevated position, but this does draw distinction from

the appointment in whichever place. So I would submit that the Member should not attempt to do what he is attempting to do. The reasoning for it is really because Government has only the one single vote on this side and therefore, what will happen in that committee when he goes on as Chairman is that there will be times when the vote is going to be tied.

Conventionally, and I guess I could nearly say constitutionally, the Speaker under the Standing Orders, does not have an original vote but only a casting vote. Therefore, that vote conventionally has to be cast to preserve the status quo.

I can see some of his reasoning for doing this, and that reference was to section 32(2) of the Constitution which seems to draw distinction between Members as referred to in that - perhaps what he is attempting to do here. Naturally, if it goes to a committee of the Whole House, that is a different situation, I guess. I have not had an opportunity to look at it, but I notice that page 620 of *Erskine May* refers to a chairman of a select committee: "The chairman of a select committee is chosen by the committee itself except in rare cases when the House otherwise orders."

We are somewhat different from that here. What would be unfortunate is if this committee that the Member is referring this to, is one in which matters that are raised and representations made to it has the blunt approach of Government; that, we have done it and we are not going to change it and you have to accept it. Too often we have seen that attitude displayed, not only in this House but also outside of this House, up until as recently as last Friday night.

I would submit that we should follow the usual practice on this, and I believe that we will be in a better position to get a Law, if there can be a Law worked out on this over a period of time, that will more suit the country. The importance of that is further brought out in perhaps one of the most striking clauses that the Law has in it.

From here I am naturally dealing more with general matters, but the Law itself leaves the fund to be invested by a committee, and that committee may invest basically as it so wishes. So its powers are considerably wider than what we have just dealt with in the Pension Law for the civil servants.

The most important thing about this is the one fear that the public has when money, especially large amounts of money, move where politicians can get their hands on it. The guideline set out in the Draft National Pensions Finance and Accounting Regulations, 1990, specifically state in 16(a) that:

"16. Each Balance Sheet prepared annually under paragraph (a) of sub-regulation (1) of regulation 13 shall be supplemented by a Schedule giving a complete list of the investments of the Fund as at the date of the Balance Sheet, and this list shall show the following. (a) fixed interest redeemable securities including government and foreign government securities, treasury bills together with the following particulars regarding the same-"

There is no doubt at all in my mind that the Government intends to get its hands on the Pensions Fund. It specifically states Government, in capitals, and then they refer to foreign governments securities. It draws a distinction between this Government and foreign governments.

Why could the Member not take the advice that was given by the public and restrict the investment of those funds into safe securities such as the quoted U.S. Treasury or U.K. Bonds or Treasury Bills where we could be certain of its being redeemed into deposits, for example, of Class A, licensed banks?

We know that if there is money available, Government politicians, regardless of which Government it is, are going to go into it. They are going to issue some type of securities, they are going to issue bonds of some sort and the day the Government gets in trouble, then the pensioners are going to be the people who are going to be the losers.

I urge, and I put this forward to the Constitutional Commissioners that there should be a clause in the Constitution stating that Government cannot borrow, receive or in anyway control the investment of pension funds because these are monies that are held in trust, so to speak, by Government. They are not the monies of Government and in many other countries Government has borrowed and they do not pay back. They issue bonds, they do not redeem them.

I am totally against a clause of this sort. If we cannot get it put in the Constitution, then it must be specifically spelled out in the Law the way the Pensions Law for the civil servants was spelled out.

There is an argument against this, that why should not there be certain investments locally? There are certain ways that this could be done, because if a Pension Fund is putting, for example, \$5 million in any Class Licensed Bank here, they could well do it with a bank who favoured making mortgages to local people. So there are ways of getting around this without having the risk come back to the fund. That whole lot of section 16, seems to me so wide that it could include just about anything; stocks, shares, other securities, together with the following particulars, other property. It does not even limit the restriction on it.

Now, I am not saying that the people on the investment committee are not going to be cautious, but we do know it is a hard fact of social security and pension funds run by governments, that the government has squandered the people's money and they have short-changed them in the end. That cannot be right.

I also believe that trying to launch this at the present time is not the best time and I am linking this in with the last heading that I was speaking about. I am speaking on both here because it is at a time when the country is in an economic recession. The businesses have suffered locally and hopefully by the time this gets out of committee that will be rectified and we may be back in a boom. How long it spends in committee could well depend on how many votes that Government has in its clear inclination to speed this thing up and get it through.

Lastly on those points, it is a known fact that the Government has had some very serious financial problems in that they have not been able to put local revenue towards the \$11 or \$12 million capital expenditure this year and we can expect, at least during the recession stage, that they will continue to have financial problems; and it is at times like these that the clause given the right to invest in Government securities has to be looked at with even more concern and in more depth.

I believe that pensions when we get into the committee, have to be looked at on a more general basis than just what is in this Law because it has considerable deficiencies. I would like to see the whole concept broadened to where we can look at what pension schemes are in general because the duty of a good Government has to be not only to see that this pension scheme of Governments is economically feasible and can work in the long-term, but I believe that it should be more a regulatory body that looks more to ensuring that such pensions, as exist now, or may exist in the future, are also on a proper basis.

I agree with the Member for Health and Social Services when he says that other private pensions schemes have had problems. That is correct. Well now is the time to have a regulatory body set up that can give guidance, advice, or exert regulatory control over pension schemes for local purposes. In effect, this will be necessary anyhow when I come to show that under another clause there has to be a body that is going to look at private pensions beyond this.

We have seen, all too often, schemes where funds are collected and they look like they are very substantial. But when claims come in in the future it could well be that there is an insufficiency to meet genuine claims and that, I think, is unfair. Now one of the things that I find a bit worrying in the regulations is where there has to be the payment of the pension contributions. For example, in regulation 14 of the National Pensions Contribution Regulations, the employer has to remit the money to the Director within 19 days of the end of each month.

When you look over here and you see where Government has to make payments to people when they retire or under the invalidity benefit or whatever, it says nothing that Government must make its payments within 19 days. We know that Government's records of making payments can be extremely slow. Since you are going to fix a time limit for people to pay, I think there should be a similar time limit inserted in the regulations saying that Government shall, within 19 days of a claim becoming due, make the payment.

I do not think that it is an error of drafting. I think it is done very intentionally because they know that the longer the Government sits on these funds the larger the interest will be. But it is not fair to the person whose money it really is.

Under this Law, I keep stressing that, money paid, the 8 per cent paid is the people's money. It is not Government or the Pension Boards or anyone else's money from a de facto point of view, whether there is a mixing of funds or not, this is basically money in trust for the people and when proper claims have come in they should be paid in the proper way.

Madam Speaker, there are so many major problems in this that I am only going to try to deal with a few more of these and leave a lot of the details for a later stage when we are into a committee.

May I just say that this House has been so peaceful and quiet that my raising the point about Chairing of the Select Committee could never, ever be based on the fact that you are not a very capable Chairman. I just wanted to mention that because I think within the House (and out in the public) your ability has been proven.

Going on to another major point. I would like to deal with section 41 which is exemption of certain persons otherwise insured. This clause and clause 39, which deals with the transferability of funds, is one that is extremely worrying because the Member for Health and Social Services, I believe, does not intend to see that section 41 works so that reasonable pension schemes, as alternatives to the Government scheme, can in practice be exempted.

That section reads, 41(1):

"41 (1) Nothing in this Law shall apply to a person who is insured under a policy approved under subsection (2) for so long as he remains so insured. (so these are the exempting out provisions)

(2) The Governor may approve a policy for the purposes of this section if, in his opinion, it provides benefits to person insured under it which are -

(a) of the same kind and extent as; and

(b) in no respect less certain or valuable, or payable in circumstances less advantageous, than, those provided for persons insured under this Law."

All seems well, but when we look at the contribution of 8 per cent that will be going into this scheme for Government, the pensions for Government, we will find that there will probably never be a private pension that can equal it.

The reason for that as I mentioned last week Friday when debating this, is that 8 per cent is not sufficient to provide the types of benefits that the Member has put in here. I know that where attempts have been made to get schemes that have the amount of benefits as this the contributions have been 50 per cent higher. Probably in the area of 12 per cent.

That is why I keep insisting that we must have actuarial valuations of these things. It firstly has to be of the same kind and extent as, so all of the benefits have to be in it, and be in no respect less certain or valuable or payable in circumstances less advantageous than Governments. Then, and only then, Executive Council has a discretion to approve the policy. Firstly, it is going to fail on those two points because 8 per cent cannot fund what the Member has here and I think that we must have something realistic on this point. Secondly, after it fits into those two criteria it is still Executive Councils prerogative whether or not to exempt it.

Now that cannot be right. That cannot be right. You have set up a Regulatory Board, then let that Board look at it and deal with the question of exemption, but the criteria for exemption should be that it is a policy which provides substantially the same benefits which one can reasonably get with the type of contribution.

This is really not a clause that in practice I understand can work. I know, like I said earlier, that at 8 per cent you cannot go out there and buy the benefits that the Member has put into this.

From all that I can understand and see, the Member is going to begin with 8 per cent this year and in two years, or whenever an actuarial review comes out, they are going to increase the contributions up if the actuarial review says that this cannot do it.

That is the oldest political tactic in the world. It is like income tax, you put in 8 per cent now, next year you go to 12, the next year or a few years down the road you go to 16 per cent. It is the same way with these contributions.

So I would like to see a clause that is realistic and I believe that people have to be given the freedom of choice, that if they wish to have private pension schemes then let there be a regulatory body to deal with that, but it must be something which is realistic and which can work rather than just paying lip service to something which is going to force everyone to take their pension out with Government.

In fact, I am a true believe that Government should not do anymore than it has to do. It should deal with services of necessity that the private sector cannot adequately deal with and anything that can be done in the private sector, let them do it. Because with all due respect to Government, it is more difficult for example, to get people to pay Government. It is more difficult with the type of bureaucratic set-up within a Government to operate a type of business efficiently and I think Government should stay as far away as possible from whatever the private sector can do.

On the other hand if it can be shown that Government has to run a pension scheme to get pensions for certain portions of pensionable people, then I will go along with it provided that the Law is brought out in such a manner that it is realistic and workable.

Section 39 deals with reciprocal agreements with other countries and once again if we read this it says:

"39. For the purpose of giving effect to any agreement with the government of any other country, being an agreement which provides for reciprocity in matters of national pensions, it shall be lawful for the Governor by order, to modify or adapt the provisions of this Law in their application to cases affected by the agreement."

This is a section that I have only seen I think, twice in recent Laws because it has given the Government the right to modify this Law in relation to agreements with foreign countries. This is the Law. It is made by this House, it should come back to this House for amendments. There is nothing wrong with them negotiating a treaty and coming back here, since regulations even have to come back to this House, and having the Law modified in respect of it.

It could well be that in modifying this Law they may short-change the people who have paid a lot of money into this when they go abroad and they could be Caymanians, let us not kid ourselves that it is only going to be foreigners who pay money into this and go abroad and may want to have reciprocity of pensions abroad. It could well be Caymanians that are involved. I believe a lot more certainty has to be given to that.

What would be good is, if it were possible to ensure that, whoever dealt with the advising on investments within the restricted area I would like to see it that these are either individuals or companies, who have considerable expertise in this area.

I know in one other country when this is put out to bid, normally they take fully private advisers and they will put it out to 10 or 11 companies, invite them to bid and based on the performance over about three or five years, they then review the panel and depending on the results locally, as well as their results internationally, they then choose. With that in mind, they are looking at getting the best and the most able advisors that they can get.

I have my doubts about many other sections more minor than these that I have now dealt with. There are some areas that I believe, Governments assumptions in arriving at the criteria for their 8 per cent, they have gone wrong. I think they have assumed wrong at least in relation to accepted statistics of Government itself, and this whole matter has to be looked at carefully because there are areas that if we do not begin this right, it is going to be very difficult to get on the right footing.

For example, one of the things I found somewhat odd is the very wide powers that the Inspector of the fund would have in relation to ascertaining income. That is good up to a point, but when somebody is paying in the maximum that can be paid, presumably those sections cannot apply to him. There, it would be good if it was totally spelled out.

I really think that there has got to be some better way of getting

this scheme operational because if the pure pension side of this was not blurred with so many other benefits, it would be so simple if somebody has paid \$10,000, on the basis of \$10,000 for example, but perhaps somewhere along the line he may have made \$11,000. It would be very simple, his account would show he paid \$10,000 in, you have had this amount of investment on it, you can take this back. That simple.

Where the complications come is when it gets mixed into the hybrids of the many other benefits which are very hard and even with the best of actuaries there can never be much certainty in relation to it.

In conclusion, I would say that when we go into the Select Committee and by the way, I am only supporting what I am going to vote for which is for this to go into Select Committee. What I am doing has nothing to do with my approving the provisions of this Bill. I want to make that abundantly clear.

I do not imagine it matters too much whether I say yes or no to it but I do agree with looking at this in a committee, but many of the provisions I have mentioned here I do not agree with. When we go into the committee we should have the widest input from the public and look at that in detail because in the final analysis it has got to be a Law to bring in a pension scheme that the people want or it is not going to work.

Secondly, on the major issues I would like to make sure that the investments for the pension money are restricted to where the possibility of loss is to an absolute minimum. I am totally against Government borrowing, or raising bonds, or anything else with money that is coming out of it. Whatever local benefit that should flow, then it should be done in another way. One of them I mentioned earlier relating to mortgage loans.

Thirdly, the right to have a private pension scheme giving people a right to choose, because this after all is a capitalist democratic country. It has to be realistic and not couched in such terms that we will only have a Government pension scheme.

My advice to Government is one that I have always tried to practice; if a part of what you are doing or the whole thing is something that can be better done by the private sector, then set yourself up as a regulatory body to regulate these, to look after seeing that the public does get good pensions, but if it can be done that way, or a part of it can be done that way, then you should not do it yourself.

The concept of pensions, I fully support. This Law in the form it is, I do not support. I support it going into the usual type of Select Committee to be looked at.

Thank you.

MADAM SPEAKER:

Before the House is suspended, I would draw Members attention to section 17 of the Constitution which deals with the composition of the Legislative Assembly. I think Members are aware of this. It says:

- "17. (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, ...and
 - (c) twelve elected members,..."

I draw your attention since the Honourable Member quoted section 32 (2). The House is suspended until 2:15.

AT 12:44 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:19 P.M.

MADAM SPEAKER:

Debate The National Pensions Bill, 1990.

Please be seated.

Proceedings are resumed, continuation of the Second Reading

The Honourable Member for Tourism Aviation and Trade.

HON. W. NORMAN BODDEN:

Madam Speaker, I rise to naturally support the Bill presently before this House dealing with the National Pensions Plan. It has a very long title, it is called the Bill for A Law to Make Provisions for a System Providing Pecuniary Payments by Way of Retirement Pensions and Other Benefits to Persons Entitled Thereto Under the Law and for Other Matters Related Thereto or Connected Therewith.

My contribution will be very short. I believe in the principle of a National Pension Plan. I believe that in the process of our growth and development that there is a need in our society for such a plan, not only to assist our people today, but also to plan for the future of our country and to provide something that our people can look forward to during their senior years.

I am also supportive of this Bill being taken to a Select Committee. I have listened to the points being made by some Members of the Backbench and I believe that in very general terms we basically all agree that there is a need.

I think there are different views as to how far we should go, what it should include and should not include. There has also been a question raised as to the funding for this plan which I think is of utmost importance but I believe that in taking this Bill to a Select Committee is certainly the right route for it to be taking. I would foresee input from a wide cross-section of our community and I have every confidence that all Honourable Members of this House will certainly make a valuable contribution to the deliberations in committee.

I believe that in the final analysis at the end of the day, we can produce a Bill which may not be perfect, may not be satisfactory or acceptable to all concerned, but I have every confidence that it will be acceptable to the majority. I certainly believe that this is a good solid democratic process for us to follow and I would like to say that I look forward to serving as a member of the committee. I certainly look forward and will be receptive to the input which we expect to receive from the public. I know that this is a very important matter and has been debated and considered for some time, but I honestly believe that the time has come for us to deal with this, not to keep shelving it and pushing it aside, but to factually examine the need, examine this Bill with the genuine intent to produce something that will improve the quality of life for our people.

With those few words, I support this Bill being taken to a Select Committee and when the time comes, I certainly will endeavour to put my points across at committee stage. Thank you.

MADAM SPEAKER:

Cayman.

The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN:

Thank you, Madam Speaker.

I too would like to speak briefly to the Bill which is before this House, that is a Bill for a Law to create a National Pension for our country.

As I have said, in an earlier debate, during this session, I believe that in the principle of pension for a society. It is the only means that I am aware of that has general acceptance for accumulating monies sufficient to meet the needs of people in the society when they have reached their twilight years and they are no longer productive.

I believe in the principle that there is an intertwining or an interrelationship between an employee and an employer. One needs the other and the two together produce goods and services from which the employee earns a salary, hopefully sufficient to meet his or her needs and the employer, by virtue of that person's labour, produces his goods and services and shows a profit from them. But as all things come to an end, it is only reasonable, equitable and fair, that both should participate in a scheme where a certain amount is set aside, that at the end of the day you can accumulate and it can produce a pool of money. That money can then be made available in amounts that both can find it useful and use it in improving the quality of their lives.

Some Members have made a point that the amount which has been stated in the Bill, that is, 4 per cent by employer, 4 per cent by employee will not be sufficient to produce the funds which will be necessary to service the fund. On this I cannot be absolutely sure. I can but take note of the fact that the Government has spent over \$200,000 to employ the services of one of the actuarial companies, I am made to understand, which is one the biggest in the world, one of the most well known and I have to be led, at least to some appreciable extent, by their findings in this respect. I certainly will not close my mind to what has been suggested by other speakers, that it will need a larger percentage to make the system work. I feel there will be opportunity to discuss this in greater depth or perhaps call again on those persons or others who can show in their own right or through their own methods, facts which will cast a light on this particular aspect of it.

Again, I do believe it is very important that a pension be provided. There are other benefits which are suggested in this Bill. This point other speakers have said should be excluded at this time and should not be a part of a pure Pension Bill and that to have a straightforward pure Pension Bill would be the better course of action. I am not absolutely sure about this. I think the intentions to have other benefits is quite laudable and necessary because these are areas of life where it is found to necessitate money when conditions warrant it in these particular areas. However, here again I believe I could arrive at a better opinion and position sitting in a committee where I hear the views of other Members of this Assembly in a less formal atmosphere and also witnesses who might appear before the committee to put forward their points of view on this particular matter.

What I am certain of is, that the Caymanian society has reached a position where, although there is so much apparent opulence, there is a large amount of poverty. I personally know of many instances of people in this country who are in extremely poor situations where if they were getting \$25 per month or per week, it would make an immense difference in their lives and certainly I gather that with the best intentions the amounts of money that Government gives, in some instances is not much more than the numbers I have just quoted.

A pension would prevent the needy persons finding themselves at the mercy of someone who will come and look at their situation and recommend a certain payment to them, to assist them. It gives dignity to a person so that while they can work, they contribute into a pension scheme and when the time comes for them to collect they are not begging for something. It is something which they would have earned which would be due to them and which must be paid. In this particular respect, I think it is very necessary to take precautions to see that the money which is accumulated is not spent for purposes other than pensions and that the money will be there when it is called upon to be paid.

I do not necessarily subscribe to a position where vast amount of money has been accumulated or collected, but which is not absolutely necessary at that point in time, if the

country should find itself in the position where the Government was in some financial jeopardy, that those funds would be unreasonably used by the Government of the country. After all, I think the funds are those of the people of the country, and the people are the Government. I think that one could go too far in trying to prohibit the machinery of the Government from accessibility to funds where such might be sensible or sound.

I say that in the light of the fact that no matter how great an insurance company, no matter how highly it is recommended, the people who have policies with that insurance company do not say that the insurance company cannot use those funds and invest them into things other than insurance. For that matter, they utilise the money in the way that they believe they can get the best return for it, and their big obligation through their actuarial forecasting is to have that money available when it becomes due to their policy holders.

It is the same with banks. Banks collect money from me, they collect it from whoever else, but I cannot tell Barkley's Bank or Bank of Butterfield how they should invest that money. I can but have the trust and the faith in the management of the institution that when I wish to withdraw my money it will be there. So goes the cycle of money being a medium of exchange. It is ever moving and it is not stagnant. In arriving at a position as to how the funds will be utilised or should not be utilised, I feel it should be a question of arriving at what would be a sound equitable, not overly inflexible type of position.

It has been noted by at least one speaker, that Madam Speaker has been named as Chairman of this proposed Select Committee. I share the view, as stated by the Third Elected Member for George Town, that it would be better if it were the Members or a Member on the floor of this House that chaired this particular committee. Not for one moment do I take into the slightest question the ability of the Speaker of this Legislature to do that job, but I believe in the creation of the very post of Speaker here was to give ourselves, the operational Members of this House, the opportunity of meeting to have and exchange ideas, and have the Speaker as the person uninvolved in the details of the process until such comes before the House to be reported on to the Speaker. I have looked in *Erskine May*, and in every instance I see many committees listed, but I see where they report to Mr. Speaker (in our case, Madam Speaker). It is not the case that the Speaker of the House is a Chairman of the committee.

I dare say there is a first for everything, but I support the view that our Speaker of the Legislature would be in a better position if the committee functioned through a Chairman nominated by the Speaker or chosen by the committee as the two alternatives go and that that committee report back to Madam Speaker in this House. However, that is but my opinion, and other Members will have the opportunity to speak to it.

I think I have outlined in general terms my thoughts on the matter of the National Pension Scheme and I look forward to participating in the Select Committee expressing my thoughts in greater details on the various points which will arise. I support the Bill going to a Select Committee of this House as has been proposed.

Thank you.

MADAM SPEAKER:

The Honourable Member for Education.

HON. BENSON O. EBANKS:

Madam Speaker, I rise to support the Bill before the House. Some Members, have used the position as taken by the Chamber of Commerce, not to support this Bill. My understanding of what the Chamber of Commerce has been asking for is that Government legislate a law requiring pensions, that it set up the machinery to regulate and monitor the operation of pensions, and generally to create the environment for the private sector to provide pensions. Unless I am mistaken, that is exactly what this Bill seeks to do.

The Bill says that upon the coming into effect of this Law, all persons between the age of 16 and 62 should be covered by a pension. That is the requirement for a pension. It does not say that the person has to be covered under this national pension scheme which is later explained in the Bill. It goes on to make provision for providers in the private sector to opt out of the National Pension Scheme providing that their scheme is no less certain and onerous than this is.

The National Pension Scheme comes about because you cannot require somebody to do something unless you provide the machinery for it to be done. Since there is no pension scheme available to all classes of employees and employers in this country the National Pension Scheme has been set out as a means of meeting this need. The Regulations laid down for the operation of that scheme is the minimum requirement that any other scheme would have to meet. So I believe that this Bill goes a long way to meeting the demands that have been placed on Government and I think it is time that we understand that this is not a Government Pension Scheme.

I heard a Member this morning referring to the section which said about paying over contributions that had been collected from employees to the fund, to say that you had to pay it to Government. Government was saying that you had to pay that. Nobody is paying Government one red cent under this scheme.

The Bill sets up a National Pension Fund which is independent of Government. Section 3 of the Law says:

"3. (1) There is hereby established a fund to be called the National Pensions Fund into which shall be paid -

(a) all contributions; (and other earnings)

- (2) There shall be paid out of the Fund-
- (a) all benefits;
- (b) refunds of contributions; and
- (c) all expenses properly incurred in the administration of this Law."

It does not say anything about paying money into the general revenue of Government. Section 4 establishes "the National Pensions Board in which the Fund shall be vested" and the National Pension Fund Board is separate and apart from Government.

The Pension Board is constituted as in Schedule 1 to the Bill:

"1. The Board shall consist of -

- (a) the Director, or in his absence the Deputy Director; and
- (b) eight other person appointed by the Governor of whom -
 - (i) one shall represent the Government;
 - (ii) five shall be persons selected from nominations made by prescribed organizations representing financial, commercial and professional interests in the Islands;
 - (iii) one shall represent employees of the Government; and
 - (iv) one shall represent other employees."

It goes on to say how the Board shall manage its affairs and let me hasten to add that there is every good reason why the Government should have one representative on that Board and that is because in the final analysis the Government of the Cayman Islands is guaranteeing this fund - any short falls in the fund. Therefore, the Government should have a representative to make its input into the management of the funds, not that the Government seeks as a Government to dictate or instill any political policies in it. But if it is going to guarantee the fund, I think it is reasonable that they have some say in how it is going to be managed.

I listened with some dismay on Wednesday and Friday to the debate on the amendment to the Government Pension's Bill, shall I say, that is for pensions for civil servants and on this Bill because I got the distinct impression that there were those among us who were saying that all politicians were dishonest or at best fiscally irresponsible. I imagine that those Members know best what they are speaking of, in some regard, but I hope that they were in fact saying that in addition to being politicians, some politicians are or may be dishonest or fiscally irresponsible, not that all politicians are such. Because if they were saying that, I would object strongly. I have no fear or reason to suggest that I should be included in such a group. While this has to do with the question of investment of funds I believe that we should deal with this one openly, honestly, fearlessly and prudently while it is up for debate.

The Bill sets the limit for contributors if this Bill becomes Law, those persons from 16 years to 62 years of age. So it is incorrect to say that this fund will have demands on it and heavy demands as was used from day one. That is incorrect. Because even the disability payments are not due until after a person has paid in a minimum of three years of contributions and no pension is due until age 65.

So the few people who would be 62 years at the time this came into effect would be the first ones to make a claim when they reach 65, having paid in three years of contributions and that would be a minimum pension. Certainly not a vast drain on the assets of the fund, as was suggested.

Let us think of a person who was paying from 16 years of age. His benefits, barring disability or death, would not mature or become payable until he was 65; some 49 years. It is an accepted fact that pension funds provide the greatest source of long-term capital in any country, and while I would expect the Pensions Board and its investment committee which, incidentally, will have among its members a qualified and experienced investment person. I would expect them to exercise prudence and not invest heavily in relation to the sums in question, in any debenture or bond that the Government might care or might see fit to issue. For example, if the committee decided to invest in the Housing Development Corporation, seven and a half per cent debenture bonds, I would hate to believe that a Government of a country would have so little confidence in its own local institutions that it could, not without fear, invest in a limited way in some of those securities.

How in the world could these people who seek to push millions of dollars, if not eventually hundreds of millions of dollars, off-shore in pension funds expect another Development Bank or other Development Agency to lend the money to the same Government for development purposes?

I do not want to be misunderstood. I am not suggesting investing all of this money in Cayman Government securities or local securities and the protection for that is in the fact that every year the Board has to declare and publish the investments of the Board, giving the names, maturity dates, interest rates, everything else so that it is generally and publicly known where it holds its investments. But, I am saying, a prudent amount should be a reasonable investment.

I also believe that the assumed rate of return on the investments of this fund by the actuaries which has been set at eight or eight and a half per cent, and given U.S. interest rates

on deposits today, that the fund would have a hard time achieving that objective if it put its money entirely on deposit on U.S. funds or even C.I. funds. It would seem to me that in times like this, a return of seven and half per cent on the Housing Development Debentures would look attractive to the investors. We are not talking lots of money. I am merely saying this to say that I have the confidence that a responsible Board will be elected, a Board that the country can have confidence in and will invest the monies of this fund prudently and intelligently, even if that means, investing some of it locally.

The other objection some people seem to have had was that 8 per cent, that is 4 per cent by the employer, 4 per cent by the employee was insufficient to give the benefits proposed in this Bill. 8 per cent was the amount recommended by the actuary brought from the United Kingdom, Mr. Gordon Smith, whom most people out in the public said was old and maybe out of touch, so Government employed another prestigious firm from the United States who came back and confirmed that rate. I am satisfied that it is an actuary who has to tell us what that figure should be. No individual, be he lawyer or accountant, without actuarial knowledge and experience can set that amount. That is why the fund demands an actuarial audit every two years.

I believe that there was also some concern that the Governor in Council should be the person to permit opting out under this scheme to private schemes; saying that that should be left to a Regulatory Body from the private sector. My answer to that is that the Governor in Council licences A Class banks and insurance companies in this country, therefore, I can see no reason why that body should not licence or decide which of these companies should opt out of the National Pension Scheme.

Regulations are laid down and if they are met in all respects, that body would automatically, in my opinion, have to grant the licence. It was also said that one of the oldest political ploys of using low figures to get something introduced and then upping it after, was being used in this exercise. As I pointed out, this is not a figure that has been pulled out of the hat like some other figures that I understand are being blandished around the place. This is a figure that has been set by actuaries and I believe their figures to be correct. If Members can sit in this House and say that they are happy to let their constituents contribute 5 per cent, instead of 4 per cent of their earnings in order to get the same benefits then that is their prerogative, but I am afraid I cannot support their view. I believe that our duty is to get the best bargain for our people and the actuaries have said that 4 per cent is adequate to cover the benefits being proposed.

One Member said that he knew of instances where people or firms have attempted to get these benefits in the private sector and it was costing more money. Now, I realise that in the private sector, given the profit motive the administration of the funds might cost some more money but I believe rather that what that Member lost sight of is that this Bill seeks to cap the maximum amount of earnings that requires insurance or to be paid in to this fund.

In other words, this Bill has a cut off point of \$25,000 per year or \$481 weekly, or \$962 fortnightly, \$1,042 bimonthly, \$1,923 four-weekly, \$2,083 monthly, and \$25,000 annually. There was a good reason why that was done.

It was assumed that the \$25,000 embraced the bigger volume or proportion of people that we needed to worry about having that pension and because this would cover by and large most of the hotel workers and construction workers. It also left room for the insurance companies and individuals to take care of their earnings on a personal basis above that figure. So this Bill does not seek to insure the entire earnings of individuals, as would be the case in the private sector and perhaps therein lies the secret of why the 8 per cent is adequate.

I can say without fear of successful contradiction, that 8 per cent adequately takes care of that layer of income and that no one in the private sector can match that rate up to that level. It is my view that the private sector would be well advised to take that layer of its employees' earnings and cover it under the National Pension Scheme and they can make private arrangements for the amounts in excess of that. That is, as I understand it, from people versed in this science, how it is done in other countries. There is no one out there who is going to provide that level and security of a retirement for people up to that level for 4 per cent.

A few days ago, some comparisons were made with what has been done for the civil servants pension, as opposed to this one. I believe what he said was that 8 per cent was enough for Government because they had a 10 year holiday before anybody could claim on the fund. But the truth of the matter is that we are going to have a longer holiday than that. The whole question of civil servants pensions, or the insecurity of it, came to light as a result (or if it did not come to light, it became fashionable to talk about it) of the study which commenced on the National Pension Scheme.

What is being done for Government at the moment is but an attempt to get some funding in place for the liability, which is considerable, on pensions that have already accrued, so that down the line - much longer than 10 years - there will be some money to meet Government commitments on pensions.

I am not saying that this Bill is perfect but I believe that it is not as imperfect as some other Members have attempted to make it appear. I believe that it is a good starting point. I am satisfied that it is near enough what it should be, that a committee can finish moulding it into what a perfect National Pension Scheme should be.

Before I sit down I want to reemphasise that this is not a Government pension plan. Government does not operate this fund. It is operated by an independent body established under the Law. I would hope that we would have some people from among those yelling about it accepting an appointment to this Board to ensure that it operates as the Legislation which Government is introducing envisages it to operate.

That is the extent to which Government controls this National

Pension Fund. That is, it has to legislate the Law that brings it into existence but it will be operated by a Pensions Board comprised of independent, thinking people. With those few words, I support this Bill.

MADAM SPEAKER: This might be an opportune time to suspend for 15 minutes. The House is accordingly suspended for 15 minutes.

AT 3:16 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:37 P.M.

MADAM SPEAKER: Please be seated.
Proceedings are resumed, continuation of the debate of the Second Reading of the National Pensions Bill, 1990. The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: Thank you, Madam Speaker.
I rise to offer my support for the Bill that we are dealing with, calling for the establishment of a National Pension Plan, to be referred to a Select Committee of this House in order for us to obtain the views of different organisations and the members of the general public. I feel it is important that we get this programme right from the beginning.

I feel that we have grown-up economically as a country, we have become one of the leading and most reputable financial centres in the world. We are moving forward politically and I think it is now time for us to grow up a certain degree socially; a step in the right direction in this area I think, is exploring and taking whatever actions are necessary to ensure that a national retirement plan for our people is established and to ensure that our people, upon retirement age, are in a position to enjoy the benefits of their years of service and sacrifice with respect to funds put aside for that purpose in this Plan.

I also have my reservations that the 8 per cent proposed contribution will be sufficient to support all of the benefits being proposed in this Plan. I think it is very ambitious indeed, and my advice would be to try to establish a plan that basically starts with provisions only, as far as a pension is concerned and having some type of moratorium beyond the three years that is being proposed to enable the funds of the scheme to grow to a sufficient sum that would put us in the position where we can then add additional benefits as we go along, increasing the contributions which may be necessary in order to fund these particular benefits.

The benefits outlined in part five of the Law include invalidity benefits, a survivor's benefit, a death grant, and retirement benefits. As I said, I think this might be a little too ambitious for us to say that once the fund is established all of these benefits will come into effect once the three year contribution period has been met. I think it is high time for us to look at the feasibility of establishing a national savings plan for our people. As a representative of the people, I am concerned and alarmed with the number of people who are now seeking contributions or monthly assistance from Government through their Social Services Department. Whether or not we take the time to establish a fund or a programme that is going to take care of these future needs through a National Pension Fund, or we sit idly by and bury our heads in the sand hoping that this problem is going to go away, it is my opinion that we will either pay now or we definitely will be called upon to pay later through Government's monthly assistance through the Social Services Department.

My genuine concern with regard to any programme of this nature is that the purpose for which it is intended is realised. That is, that when our people reach retirement age we do not have the same experience that so many other countries have found themselves in, where their people have contributed for a life-time and when they reach the years when they should be in a position to enjoy the fruits of their contributions made over the years, they are told or they discover that the fund is bankrupt or broke. I think it is important that proper investment guidelines are established and I know there are some guidelines offered in the Plan but I think personally that it should go even further than it does and be in line with the proposed investments of the Government's Pension Plan for its civil servants, where the investments are limited to securities issued and guaranteed by the Governments of the United Kingdom, Canada and the United States of America. What is important is that these funds are invested in safe investments, in liquid investments, and that they be available when they are needed to take care of retirements when they are called upon to do that.

I do not support the idea of securities issued by the Housing Development Corporation or other Government agencies be a possible investment. My attitude is that this is a pool of funds which has to be established and set aside and it should not be accessible as far as Government borrowings are concerned. Because, Madam Speaker, Governments universally have a reputation of borrowing with no intention or means of repaying and what you have to keep in mind is that over a short period of time, the funds in this particular scheme will amount to millions of dollars.

With all of the demands that Government has on it today for roads, for new, fancy expensive hospitals, cruise ship landings, or docking facilities, it is a natural temptation to say, "let's borrow from the Pension Plan." I think that if that is allowed to happen in this case, it will be a tragedy. I do not share the view or concern of certain members of the public (and maybe some Members of this House) that it is naturally bad for Government to administer the fund, because I think the Cayman Islands Government has a pretty exceptional track record, as far as management of funds are concerned. For example, the Cayman Islands Currency Board funds are under the control of the Currency Board which consists of members of the Civil Service, and they are responsible for the investment of those funds. The Civil Service track record in this area has been outstanding.

It is my opinion that the Government's awesome responsibility is

to ensure that these funds are available when they are needed. I think it would be very, should I say imprudent, for them to delegate this particular authority or responsibility to any one private company, as far as the investment of these funds are concerned. Contrary to what the Member for Education said, I do contend that this is a Government Pension Plan, established for the benefit of the people of this country. If it were not, why would Government be obligated to take care of any short-falls in the fund? I think it is a National Pension Plan, and it is a Government National Pension Plan. Rightfully then, I think, Government should be responsible for ensuring that the fund is properly safe-guarded and that proper guidelines and restrictions are established for the investment of these funds.

With an issue of this nature which is so important as far as our people are concerned, I think the right route is the one being suggested. That is, that it be referred to a Select Committee so that we can get the various views from the different organisations and members of the general public. What I trust will happen is that the Member in charge will take cognisance of these recommendations that come about as a result of these meetings and contributions from the public, and arrive at a National Pension Plan that is in the best interest of our people.

What is amusing is how one's opinion on a subject can change so quickly. The Member for Health is the Mover of this particular motion, and I found it amusing that back in 1986, when the original motion calling for the establishment of a Pension Plan was moved by the now First Elected Member for West Bay, and seconded by the Member for North Side (who is now the Member responsible for Health and Social Services) that his contention was the same as ours today - that is, that these funds should not be available for Government to stick their fingers into.

With your permission I would like to quote an excerpt from his contribution in September 1986 and it says:

"The only stipulation which I would like to add to what the Mover said, Sir, is that I think that when this scheme is established the fund should be put in such a way that Government can not get their fingers in the pie, regardless of how large the sum of money grows to be, Government must not be allowed to spend the money to build roads, hospitals or anything else. It must be left there to pay back to those people who have contributed, plus their accrued earnings in interest or investments or otherwise."

Those are the mover's own words. Now, all of a sudden, because he is on the other side of the House now and he is in a position where he is moving the Bill, he has changed what his stipulations should be as far as investments. I believe the Member was right then because that is our contention - that these funds should not be available for Government to borrow. I do not care how large this pool of funds grows to be. I think it should be restricted to investments issued and guaranteed by the major countries.

One of the other concerns that I have is dealing with the composition of the Board which will be responsible for administering the scheme and also responsible for establishing the possible guidelines for the investment of the funds. What I hope happens is that this does not become just another political Board where the Government of the day stacks the Board with their supporters, but that the Board is comprised of men and women who are reputable, with the necessary back-ground in finance or investments and would be in a position to make a contribution on that Board, rather than sit there saying yes to everything that is proposed by the Member responsible regardless of who that person is. I think it is very important that the investment of these funds are put in capable hands.

I know that there are many entities in our society or our community that object to the issue or the idea of a Pension Plan for our people but my attitude is this. I think anyone who chooses to come to the Cayman Islands to do business should have no objection to making a contribution of this nature that will continue to enhance the welfare of our people and contribute something to the society which has been so good to them. Many of the companies that are established here in the Cayman Islands have done very well financially, being established here. I think they have a moral obligation to contribute something back to this society. This would be a means of them making such a contribution.

I feel that this Plan will gain the support of the different organisations in this country and our people in general if they are in a position to make suggestions for improvements and suggestion. I feel that the Member has chosen the right route for such a piece of legislation and I think because it is going to a Select Committee that the organisations and the Members of the general public welcome this opportunity to be in a position where they can make a contribution. I trust that the Member will take note of those suggestions for improvements in arriving at the final version of the Bill that will be passed into Law.

I also raise my objection to the suggestion that the Speaker is appointed Chairman of this committee. I think it is very important that the Chair remains as independent and as far away as possible from the political side of things. I had really did not gained any insight into the type of role that a Speaker of any House plays until I had the opportunity last year of visiting Ottawa and I had the occasion of speaking to some of the Members of that House. The Speaker there is so independent that that person is not even in a position to socialise with his colleagues, even though they are part of a political party. What is important is that the Speaker at all times reserves the impression that he is independent. I think, because the mover of the Bill is the Member responsible for the subject, it would be wise if the Speaker chose that particular Member as Chairman of this committee.

The other issue that I would like to deal with to some extent is the opting out provisions of the Law. I was told that once a company becomes a part of this scheme it would be

almost impossible for them to opt out of the programme because it has been actuarially determined that it would cost the company something in the region of 12 or 13 per cent and not as being proposed here 8 per cent. I think it is important that those companies who already have an adequate pension scheme in place have the option of either joining the scheme or remaining with the scheme that they presently have, including the Civil Service. At the end of the day what is important is not who administers what, but that funds which people have worked hard to earn are available to them when they reach their retirement age, be they civil servants or members of the private sector. I think fairness is important in this whole process, so that people have the feeling that they have a choice and if the National Pension Plan is one that works, one that is wanted by our people and one that is affordable.

I think that is very important and when the time comes to cast my vote for this very important legislation to be referred to a Select Committee, I will be voting yes.

Thank you.

MADAM SPEAKER:
wish to wind up the debate?

If no other Member wishes to speak would the mover of the Bill

HON. D. EZZARD MILLER:

Thank you, Madam Speaker.

Madam Speaker, winding up this debate is going to be somewhat difficult because Members have sought to colour the Bill before the House in a rainbow of colours.

As to the last speaker, the Third Elected Member for West Bay and his quoting my contribution to the Motion in 1986, I do not deny that, Madam Speaker. That protection is in the Bill, it is not a Government fund. Government will have no direct access to the fund, it is run by a Board appointed exactly as the Currency Board is appointed in which he and others have placed so much credence and that is well deserved because they have done a good job. But that is a Government appointed Board established under the provisions of the Law.

Government has no direct access to the funds, the Currency Board may choose to donate certain funds to Government as they see fit and unlike that Member, most times he checked the Hansards in this Parliament as a record of what I have said, he will find them to be consistent with action I have taken as a Member of Government. I said in that debate we needed to do something about it. I have done something about it in spite of the lack of encouragement, the lack of support from them and there is a Bill that has been produced and is before Parliament and is going to a Select Committee of Parliament.

Let me try to put in layman's language what this Bill tries to do because some of the Members contributing to this (and I intend to deal with their individual contributions as time goes on) have not read the Bill or they have read it expecting to find certain things, and like the Bible they like to quote from, you can read that and find anything you want in it that you happen to be looking for at that specific period of time.

What is the Government trying to do with this Bill and the Draft Regulations which are before Parliament? The first and only objection is to provide a Pension Plan which is designed to provide a measure of financial security for Caymanians during their retired years. We have made it clear from day one that this is not the end all and be all in pensions. The maximum this Plan will provide for anyone, is 60 per cent of \$25,000 after having worked for 42 years and contributed to the plan.

The actuary has reckoned numbers in such a way that it is indexed to the cost of living at approximately seven per cent per annum. That is what we are trying to do. We are trying to ensure that every working Caymanian who works more than eight hours per week, that is between the ages of 16 and 62, has the opportunity to contribute to a pension plan and therefore assure himself some minimum retirement fund at age 65 and after.

The people who make \$50,000 and \$60,000 a year and are enjoying the life-style which that provides, will have to make additional provisions. Even those who are only making \$25,000 will have to make provisions either through private schemes or through insurances to try to make up that other 40 per cent if they wish to continue the life-style that they now enjoy at \$25,000.

We are trying to provide a pension. We are trying to provide it for every Caymanian who works more than eight hours a week, between the ages of 16 and 62. What benefits are we trying to provide for those people? We are trying to provide a pension benefit that is vested after three years. Somebody who contributes for two years and drops dead gets nothing.

After three years a person who has vested will be entitled at 65 to six per cent of his average earnings for the last three years. Not a guaranteed sum of any sort but only six per cent of the salary after three years of contribution. After 10 years he will be entitled to 20 per cent and after the 10 years the rate of earning is reduced to one and a quarter per cent per annum.

Unlike what some Members have tried to make the public believe that this plan is providing a whole host of benefits, that is simply not so. All the Plan is providing is a pension benefit. However, if somebody has contributed to the Plan, invested a pension for 10 years and they are disabled for life, beyond the point of work, should they not be entitled to some benefit from their 10 years of hard labour? All they are going to get is 20 per cent of the one-third of the annual salary for the three years. When they reach age 65 they will get the correct percentage of whatever number of years they have contributed. That is all in the Bill.

Similarly, somebody who has contributed for 10 years, earned a pension and dies and leaves children, should not those children receive the benefit for which he has contributed? They cannot get the benefit that I have contributed? Their survivors benefit, as is the spouses, is based entirely on the pension that the individual earned at the time of his death. The death benefit is \$5,000. If somebody contributes for three years and dies the day after qualifying for the pension, his beneficiaries get a death benefit.

It is not as the Third Elected Member for George Town and the Third Elected Member for West Bay may have made certain people believe, that these benefits are accumulative. That is simply not so. You can only receive one benefit at a time. That is why the Invalidity Pension if you get it before you are 65, at age 65 it is converted to your regular pension. Nobody can receive more than one benefit from this Plan. It is a pure Pension Benefit Plan.

There have been many suggestions and ideas about how this should be achieved and we should only regulate it and let the private sector do it.

The only thing that you have forever is a Government. You might not like the Government that you have but, Pan Am, Eastern, who would have thought their pension plans would have been in trouble? They say you should not invest in Government securities, you should invest in the Class A Banks. They can fail too. Inter-Bank went down the drain.

They say that the Regulations were only Draft Regulations and tried to belittle me for presenting Draft Regulations. They know as well as anybody else in this hall that I cannot make Regulations. I cannot expect Executive Council to approve Regulations under a Law that does not exist. You have to first get the Law, then Executive Council can approve the Regulations and they also know that under this particular Bill, all of the Regulations have to come to Parliament.

They think the 8 per cent cannot fund it. As the Member for Education pointed out, when we had it done by Mr. Gordon Smith, they said he was too old and over the hill. He could not possibly know what he was talking about. We got, in consultation with the Chamber of Commerce Pension Plan Committee, what is reputed to be one if not the best actuarial firm in the world - Towers Perron and Crosby to do this actuarial review.

Now they are saying their assumptions were all wrong. All their assumptions were agreed on with the Pension Plan Committee. They did three different scenarios, a middle of the road scenario, an optimistic scenarios and a pessimistic scenario.

The most pessimistic scenario was less than 8 per cent. The Government in its wisdom decided to be even more conservative and go for 8 per cent. Now these experts in here are telling me that they know that 8 per cent cannot pay the benefits but the experts in the field, tell me that they can. Then they are saying their assumptions were wrong, they used the wrong Government statistics. They used published Government statistics. Are they suggesting that all of the statistics done by the statistics unit are wrong? We have gone further than that in the Bill. The Bill seeks to have it reviewed prior to its coming into effect and every two years after and that is to guarantee 50 years of liquidity. Not 10, not 20 - 50 years of liquidity.

At no time, within 50 years, at the rate of 8 per cent contribution will liabilities equal assets under the Plan. How much better than that can they get? Every two years that the actuarial review is done they must extend it for another 50 years. Maybe we could ask for 100 years, but most of us are not going to be around 50 years. I believe that it is safe in believing that the 8 per cent can fund it, in particular, as one Member suggested, that no Plan out there is as good as this one. That is entirely the opposite from what I have been told for the last two years. Everybody in the Chamber of Commerce has been telling me that all of their Plans are better and they are cheaper.

Well if their Plans are better and they are cheaper, they do not have to worry about the opting out clauses. They want opting out, but they want to opt out under their terms. The Government must not have access to the money. Who is going to control their 5 per cent while the employee can pay up to 20, but not matched by the employer? My 8 per cent investment is too high? The Plan in the private sector that they are touting is figuring on 14 per cent return. Now who is being more conservative? me or them? Of course, none of us knows what benefits this five and 5 per cent is going to buy you. From what I can see of it, it is just a savings account and you put it in the bank and hope that the bank does not go bankrupt and they do not take it and build office buildings that somebody cannot pay for.

The benefits under this Plan are not large financial benefits. The benefits in this Plan are benefits that have been earned by the individual. He has purchased those benefits. It is not a situation where the Plan is deciding we are going to pay everybody a \$2,000 a month pension and we have to find the money to pay the pensions. That is not the situation at all. The situation is that the person contributes at a fixed rate of 4 per cent and 4 per cent and that buys him a particular benefit that is valued at two per cent of his annual salary for the first 10 years and one and a quarter per cent for every year after that.

The actuaries tell me and I have to believe them, they are the experts, that that 8 per cent can fund that. The Actuarial Review on this is on the benefit package that it offers, not on a fixed sum of money as is the situation in some of the countries that they claim have a similar pension plan and have gotten in trouble financially. We are not going to decide annually how much pension to pay somebody and then have to figure the contributions to fund that benefit. That is not the situation at all.

Each individual who qualifies for a pension will have purchased that benefit and you cannot be anymore conservative than that. The technical term for the funding is called an advance funding technique and it is called a projection method of assets. This is used in a lot of the private schemes that they are touting. It is probably the first time it is being used in a Plan that is set up on a national basis and none of these payments, I must repeat, is going into the Government Treasury.

Just as the funds of the Currency Board belong to the Currency Board and the Board decides what to do with the funds, so will the funds of the National Pension Fund. It will belong to the individuals, and the Board through the investment committee, which will operate under the investment guidelines, will decide how to invest the funds.

**MOMENT OF INTERRUPTION - 4:30 P.M.
STANDING ORDER 10(2)**

MADAM SPEAKER:

Honourable Member, it is now the moment of interruption 4:30.

ADJOURNMENT

HON. THOMAS C. JEFFERSON:

Madam Speaker, as I believe it is generally agreed that we will meet tomorrow morning, I move the adjournment of this Honourable House until 10:00 tomorrow morning.

MADAM SPEAKER:

until 10 o'clock tomorrow morning.
against No.

The question is that this Honourable House do now adjourn
I shall put the question. Those in favour please say Aye...Those

AYES.

MADAM SPEAKER:

tomorrow morning at 10 o'clock.

The Ayes have it. The House is accordingly adjourned until

AT 4:30 PM THE HOUSE STOOD ADJOURNED UNTIL 10:00 AM TUESDAY, 25TH JUNE, 1991.

**TUESDAY
25TH JUNE, 1991
10:14 A.M**

MADAM SPEAKER:

Prayers by the Honourable Third Official Member.

PRAYERS

HON. J. LEMUEL HURLSTON:

Let us Pray.

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

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

Let us say the Lord's prayer together:

Our Father who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done 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.

MADAM SPEAKER:

Please be seated.

Proceedings are resumed. Questions To Honourable Members.

Question No. 119, the First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION, ENVIRONMENT, RECREATION AND CULTURE

NO. 119: Would the Honourable Member say what are Government's plans regarding a National Sports Programme for the Cayman Islands?

ANSWER: (1) The Portfolio views its responsibility for the subject of recreation as concerning not just competitive sports as a single and independent entity, but rather would wish to emphasise the importance of "Sports for All" - of everyone being involved in some type of wholesome recreational activity.

A broad-based statement of policy embracing the physical, mental and social well-being of the entire person is in the process of development. We, therefore, see a close link with the Health promotion initiative recently embarked upon by the Portfolio of Health and Social Services.

(2) At the level of programme development, sports is not an area of social policy based purely on straightforward service delivery. Government has opted for an approach in which guidance and support feature prominently, in addition to direct service provision. It should be noted that Government has opted for this sort of approach partly in deference to the international norm, according to which partisan politics is deemed to be best kept out of sports. Far from wishing to constrain and direct the course of sports activity, we seek to foster true independence amongst sports organisations and, in this respect, welcome the remarkable support given to their efforts by sports fans, families of athletes, and sponsors large and small.

Direct Service Provision:

Our direct provision falls under three main Heads:

(1) Provision and maintenance of facilities.

Facilities are being added and upgraded on an ongoing basis, with the intention of developing a range of facilities in each District, in addition to certain central facilities at the Sports Complex off Walkers Road.

- (2) Provision of technical assistance.

The Sports Office staff monitor the programme activities of the more than two dozen sports associations in the Islands and give technical advice and assistance where possible.

- (3) Provision of financial support.

Annual grants are provided to most of these sports associations to assist with their operations, particularly their Youth Training Programmes.

Guidance and Support:

Over the last couple of years numerous invitations have been made to sports associations to articulate their programme objectives and needs. Due to the disappointing response, the Portfolio has begun to take a more active role in this respect; holding meetings with representatives of individual bodies and urging on them the need for them to help us to be of service to them and to the community generally by:

- (1) Making some effort at identifying and assessing their present and future needs.
 (2) Placing more emphasis on cooperation and sharing of resources among themselves.

These meetings are ongoing, but it is hoped that they will soon bear fruit and provide us with the information needed to derive a comprehensive plan of activities. In the meantime, reports are being compiled to provide us with an inventory of facilities in the Islands, as well as to give an overview of the state of affairs in the Schools' Physical Education Curriculum. The latter clearly has to be synchronised with activities in the community and this we propose to achieve as part of the overall process of integration which is our aim.

SUPPLEMENTARIES

MADAM SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

I wonder if the Honourable Member could say what plans the Government has towards the development of sports facilities in the various districts, as he mentioned in his answer?

HON. BENSON O. EBANKS:

Madam Speaker, as given in the answer it is our intention to develop a range of facilities in each district, meaning football facilities and multi-purpose courts. This will be an ongoing exercise as we seen the need in each district.

MADAM SPEAKER:

The First Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Can the Member say why such districts like East End and Bodden Town are so lacking in facilities and when will the new facility in West Bay be open?

HON. BENSON O. EBANKS:

I wonder if the Member would explain when he says that East End and Bodden Town are so lacking in facilities.

MR. W. McKEEVA BUSH:

Well, Madam Speaker, the explanation is that they do not have any.

HON. BENSON O. EBANKS:

Maybe he does not know but East End and Bodden Town were built hard-courts during the course of last year. Certainly Bodden Town, at the school, has its football pitch and there is dialogue as far as East End is concerned, and there is contention as to where the best place would be to the put the football pitch.

MADAM SPEAKER:

The Elected Member for East End.

MR. JOHN B. McLEAN:

I wish to stick to the subject but I wonder if the Member would say whether his answer that he gave just now is not politically motivated?

MADAM SPEAKER:

That is asking for an expression of opinion. It is not allowed.

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Will the Member let us know why he has resisted the construction of the football field at the Civic Centre in Bodden Town for the last seven years?

HON. BENSON O. EBANKS: As the records of this House will show, I have not resisted the construction of the football field at the Civic Centre. If the Member was being totally honest, he would tell the House that it was I who located that piece of land and instigated its purchase. He would also recall that late last year it was pointed out that that piece of land was being surveyed and that when that survey was complete, funds would be provided, as available, to construct the field. But one cannot just go and knock down a piece of land and say we are going to put a pitch on it when you do not know what can go on it and it had never been surveyed.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: The land mentioned by the Member was purchased when he was not a Member of the House, so he did not buy it. I want to ask him if he remembers that at one stage money was actually in the Estimates for the construction of the field and he never spent the money?

HON. BENSON O. EBANKS: That so often happens. Money was put in the Estimates to construct the field but nobody knew what was to be constructed. I took the approach to have the field properly surveyed so that we would know what we were going to be able to put there and how it had to be done, to get levels and all the rest of it, that took quite some time.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member could inform this House as to the result or the status of the survey commissioned?

HON. BENSON O. EBANKS: The survey is now complete, Madam Speaker.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member say whether he realises that the football field at the George Town Annex next to the Primary School has been causing considerable injuries because of it not being fully upgraded during the last international football tournament? Secondly, does he realise that at the Sports Complex off Walkers Road, the asphalt on the track is now hard and there have been a lot of injuries and when does he intend to do anything in relation to both?

HON. BENSON O. EBANKS: I hardly see what this has to do with a National Sports Programme. I am not aware that there have been any serious injuries at the Annex field, however I am aware that the field is not in top condition. I would also points out that that field is actually under the management of the Cayman Islands Football Association and part of the agreement is that they were to keep the field in repair.

Regarding the track at the Sports Complex, it is not only now that that asphalt is hard, that was hard from the time it was put down. It was the improper surface. Unfortunately, that was something that was well advanced when I came into the Portfolio and I am now making enquiries and efforts to have a proper rubberised surface put over that asphalt.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Madam Speaker, if it has taken the Member seven years of this hard asphalt, before he comes to a decision to put on the rubberised top, how long will it take him to get the rubberised top on?

HON. BENSON O. EBANKS: Maybe a little bit longer than it took him to get the hard asphalt down. The point that I am making is that the asphalt having been put down, we had to, shall I say, get some service out of it. It is a case of money. The Government Treasury is not a bottomless pit and sports, like everything else, has to take unfortunately, their place in the queue for available funds.

MADAM SPEAKER: The last supplementary question will be from the Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: I note in the Member's reply that he says the approach in the Cayman Islands is in deference to the international norm which keeps partisan politics out of sports. I would like to refer to the matter of the East End play field and ask him if it is not the case that no firm decision has been made by him because there are two situations, one in a field in the lower part of East End and the other one by the Civic Centre, and there are two varying political views there and because of that there is really no useful play field in the East End?

HON. BENSON O. EBANKS: No, Madam Speaker, it is not politics as far as I am concerned.

I know that there are individuals in East End who have indicated that they would like to construct a field near the Civic Centre. In the case of the existing field, Government considered going as far as purchasing one of the homes that abuts that field but that still would not have given us a proper sized facility. Then there is the added problem, for whatever reason, it seems as though the water in that area must be salty because whenever there is rain it seems as though salt always settles on the surface and it is most difficult to have grass sustained there.

MR. W. McKEEVA BUSH: Madam Speaker...

MADAM SPEAKER: Question No. 120...

MR. W. McKEEVA BUSH: I know you had said that was the last supplementary...

MADAM SPEAKER: Well, I have said it, please.

MR. W. McKEEVA BUSH: Yes, Madam Speaker, I want to bring to your attention that I had asked about a play field in West Bay which the Member did not answer.

HON. BENSON O. EBANKS: Madam Speaker, I am unable to give him a specific date for the opening of that.

MR. W. McKEEVA BUSH: Madam Speaker, it was very important, I should add, that I get an answer as the field is laying there unused.

MADAM SPEAKER: The Honourable Member has said that he is unable to give you a specific date. I do not expect that you could get any more out of him at this time than that. Question No. 120 is standing in the name of the First Elected Member for Bodden Town.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION, ENVIRONMENT, RECREATION AND CULTURE

NO. 120: Can the Honourable Member say when will the canteen at the Community College become functional?

ANSWER: The canteen will be a part of the Phase II development of the Community College of the Cayman Islands. Planning of Phase II is presently being done, but it is not expected to be completed until the final outcome of the Education Sector Review is known as the Review includes recommendations relative to the College.

SUPPLEMENTARIES

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member can inform this House as to what is happening in the meantime to those students presently enrolled at the Community College as far as lunch, snacks and their meals are concerned?

HON. BENSON O. EBANKS: Certain operators of Meals on Wheels have been invited to serve the students currently.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member can say if the students at the Community College also have access to the meal facilities at the Cayman Islands High School and the Cayman Islands Middle School?

HON. BENSON O. EBANKS: No, Madam Speaker, I am unable to confirm or deny that.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member would undertake to investigate as to whether the students of the Community College are also using the meal facilities at the High School and the Cayman Islands Middle School and inform this Honourable House?

HON. BENSON O. EBANKS: Yes, Madam Speaker, I will so undertake.

MADAM SPEAKER: Question No. 121, the First Elected Member for Bodden Town.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION, ENVIRONMENT, RECREATION AND CULTURE

NO. 121: Can the Honourable Member say whether the Government plans to construct a facility capable of meeting International Football (Soccer) standards within the next year?

ANSWER: Government is in the early stages of work on its 1992 Budget and the provision of such a facility will be among those given consideration.

SUPPLEMENTARIES

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Can the Honourable Member say whether it is the intention of the Government to bear the cost of the construction of such a facility exclusively or whether the Government might seek participation from private interested parties or from business organisations with a community orientation?

HON. BENSON O. EBANKS: I call the Member's attention to the fact that I did not say that Government was going to construct a facility, I said the provision of such a facility. It is my information that with certain adjustments to existing fields for example, the field at the Sports Complex, if the long-jump and high-jump pits were relocated, a field of international dimensions could be located in that area.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Can the Member say whether the new field in West Bay is built to international standards?

HON. BENSON O. EBANKS: As I understand it that too might be a bit shy on its measurements.

MADAM SPEAKER: We will proceed to Question No. 122, standing in the name of the First Elected Member for Bodden Town.

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

NO. 122: Would the Honourable Member state what is the procedure by which the Government purchases herbicides, insecticides and fertilizers, etcetera, abroad?

ANSWER: As two of my Departments are directly involved with the importation of herbicides, insecticides and fertilizers, I will answer the question in two parts:

A. Mosquito Research and Control Unit (MRCU)

Insecticides used routinely by MRCU are ordered either directly from the manufacturer or from agents who specialise in the pest control chemicals and equipment and can be relied upon to provide a good product and deliver it swiftly.

B. Department of Agriculture

The Government, through the Department of Agriculture, purchases herbicides, insecticides, fertilizers and other agricultural inputs by placing orders to the firm of Agri-Vet International, which is an agricultural and veterinary supplies company located in Miami, Florida. This Company has served the Cayman Islands, in this manner, for greater than 10 years and also serves the Government of the Bahamas, Belize and several Central and South American countries. The supplier is prompt, flexible and has the capability of obtaining materials and supplies from manufacturing companies all over the United States of America.

SUPPLEMENTARIES

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: In those cases where products are still purchased through an agent, can the Honourable Member say if any attempt has been made to route the purchases directly to those companies producing the material so as to eliminate the cost of the middle-man?

HON. LINFORD A. PIERSON: Yes, Madam Speaker. In general manufacturers would require minimum purchases which are usually far in excess of what the Department would order at any one time. Even though we have considered routing through these manufacturers, it is always a question of economies of scale. The minimum purchases which would generate discounts would exceed both the current demand as well as the

available storage capacity on the Islands.

In the case of livestock feeds, feed prices vary between factories and are subject to several fluctuations during any given period. These price differences are due to size of plant and variables such as grain futures, manufacturing and energy cost. The Department, in spite of the relatively low volume of foodstuffs ordered, has succeeded in having a supplier maintain prices closely comparable with those that would be obtained factory-direct.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I would like to ask the Honourable Member how is the Government informed as to the effectiveness, efficiency and use of these herbicides, insecticides and fertilizers etcetera?

HON. LINFORD A. PIERSON: I wonder if the Member could say specifically what he means by "how" is Government informed of the effectiveness of these products?

MR. ROY BODDEN: I mean is it a Government policy to request information from manufacturer representatives, for example?

HON. LINFORD A. PIERSON: We receive information on all of the products that we purchase.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member say if part of the job of the Agriculture Department is one of supervision of the poisons and herbicides that come into the country and if it is a fact that a poison known as Agent Orange is presently allowed to be imported into the Cayman Islands; and if the Agriculture Department does so or if they know whether there are other companies which import this substance?

HON. LINFORD A. PIERSON: The Department has guidelines for the safe use of pesticides, for example insecticides, herbicides etcetera. The Department has prepared, distributed and continuously informed the public by means of a posted bulletin entitled "Keys to Pesticide Safety". I have that here but it is quite lengthy. I could make this available to the Member if he so cares. On the question of the Paraquat as it is known, it is not sold to the public as such, but in the past it has been sold to bona fide farmers and Government agents with the proper guidelines as to the proper use of this product.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: It is my understanding that in the United States that particular poison or chemical is prohibited. It is also my understanding that there are a number of chemicals allowed in Cayman which are not allowed for use in the United States, even though some of them are produced there. Is it supervised sufficiently, and is it wise for that chemical and other such chemicals to be used in the Cayman Islands?

HON. LINFORD A. PIERSON: The answer is that the product is bought from the United States and the use here in the Cayman Islands is controlled through the Department of Agriculture. As I mentioned earlier, it is not sold to the public, it has in the past been sold to bona fide farmers who are well-acquainted with the use of this product.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member can say what steps are taken by his Department to ensure that these pesticides, herbicides and insecticides which are banned in the industrialised countries are supervised or limited in their use in the Cayman Islands, especially those insecticides which are used in aerial spraying?

HON. LINFORD A. PIERSON: I would like to make the point that we are speaking particularly of the chemical known as Agent Orange or Paraquat. We do not want to make this too generalised, there are not a string of these products as such. But as mentioned earlier, we do have keys to the safety and procedures to be followed and this is made very clear to the farmers involved.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Honourable Member say whether these insecticides, herbicides, pesticides or whatever, are not used in the United States and could he tell us what the side effects are? Specifically with MRCU can he confirm that whatever they are spraying is in use in the United States?

HON. LINFORD A. PIERSON: Madam Speaker, I am not aware of any problems with any of the chemicals being used at MRCU.

MADAM SPEAKER: The Third Elected Member for George Town.

HON. LINFORD A. PIERSON: Would the Member just let us know which products on the agricultural side are not in use in the United States? Could I ask the Member once again, would he confirm that what is being sprayed at MRCU is in use in the United States? Then if he would answer me on the agricultural products, which ones are not in use in the United States.

HON. LINFORD A. PIERSON: Regarding the MRCU, as mentioned earlier, I am not aware of any of the chemicals being used there that are questionable, that are not EPA approved in the United States. As mentioned earlier, the only chemical that I am aware of, with regards to agricultural products, would be the chemical known as Paraquat that is not widely used in the United States. It should be understood that it is purchased through the United States and the use of it here is not wide-spread by the public but is under very controlled conditions.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member give an undertaking to find out whether there are such chemicals in use at the MRCU as was asked about by the Third Elected Member for George Town and would he also consider prohibiting the use and importation of these chemicals which are not used in the United States and the importation of those chemicals which have replaced them?

HON. LINFORD A. PIERSON: Madam Speaker, the question is in two parts, one to undertake a condition mentioned by the Member, and I have no problem with that. With regards to considering the prohibition of the chemical Paraquat, and seeking to see which chemical has replaced this, is also a matter that I have no problem with. I will give the undertaking to look into this matter.

MADAM SPEAKER: We will proceed to the next Question No. 123, standing in the name of the First Elected Member for West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 123: Can the Honourable Member say under what category of licence do gas stations and the Cayman Turtle Farm Gift Shop operate which allows them to trade on Sundays when other shops are not allowed to trade and are threatened to be prosecuted by the Police?

ANSWER: Gas stations are permitted to open on Sundays in accordance with the First Schedule of the Sunday Trading Law, in relation to the sale of motor fuel or oils. The Law also allows for the sale of several other basic items such as bread, ice, ice-cream, non-alcoholic beverages, milk, newspapers, bottled water, toiletries and baby products.

The Cayman Turtle Farm is permitted to open in accordance with the First Schedule of the Sunday Trading Law which allows those establishments concerned in sight-seeing attractions to conduct business on Sundays.

SUPPLEMENTARIES

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Is the Member aware that these stores sell other items, other than what is provided for in the Schedule?

HON. W. NORMAN BODDEN: When the Member says "stores", is he referring to the shop at the Turtle Farm and the gas stations? I understand that the supplementary is in relation to gas stations. I cannot say that I am aware because I personally have not purchased any items from the stores located adjacent to gas stations but I have no doubt that there are items, other than those listed in the Sunday Trading Law, being sold.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Is the Member taking any initiative to do something about the problems that are experienced by small shop owners?

HON. W. NORMAN BODDEN: I believe that the Sunday Trading Law made certain provisions for the corner grocery store, as it is sometimes referred to, or the smaller operations and that is why those items were listed as it was seen that these basic items, out of necessity, might need to be purchased on a Sunday. Other than that I have raised the matter at certain levels in Executive Council and as part of the question being asked is that some store owners are threatened to be prosecuted by the Police. The only other action that I would

take would be to encourage the Police to see that the Law is more strictly enforced.

MADAM SPEAKER: The next Question is No. 124, and stands in the name of the Second Elected Member for Cayman Brac and Little Cayman.

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

NO. 124: Would the Honourable Member say whether Government has taken any steps to acquire, or is considering the acquisition or the closing of, the community store in Savannah, known as the Tall Tree, for the widening of the road in that area?

ANSWER: The Government has not taken steps to acquire or close the Tall Tree community store in Savannah, nor is it considering doing so.

SUPPLEMENTARIES

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Could the Member confirm that his Portfolio has caused pressure to be brought on the oil company that used to supply the gas to the gas station there which caused that pump to be closed?

HON. LINFORD A. PIERSON: Would the Member please be more specific as to what he means by my Portfolio bringing "pressure" on the oil companies to close that gas pump in Savannah?

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: I do not know how to be more specific. The Member, if his Portfolio did not do so, could say it did not do so. I would not know what means might have been employed. I am asking him if he can confirm it. If that is not the case then he can say so. My information is that his Portfolio did, which caused the Esso pump there to be closed and the people could not carry on any more business.

HON. LINFORD A. PIERSON: The Member's information is incorrect.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Did the Member receive a copy of the letter which Esso sent to the proprietors of the store when telling them that they could no longer sell them their products?

HON. LINFORD A. PIERSON: I received many copies of letters sent from various Departments. I believe that we have received a copy of such a letter, but I would like to make it quite clear that the business of Esso is not controlled by my Portfolio and they deal directly with any company or any businesses where they may have such a station established. It is not for my Portfolio to dictate to them when they should open or close a station.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member say if the Traffic Department or the Planning Department or the Public Works Department have made any protest to the proprietors of this store that there was a problem with traffic flow in this area?

HON. LINFORD A. PIERSON: Following representations by the representatives for Bodden Town at that time, Mr. Roy Bodden and Mr. Franklin Smith, the Department of Public Works did in fact survey the area, as a result to which the right hand side of the road, coming from Hirst Road into George Town, was truncated with the kind permission of the land owners there which improved the road. Also as a result of the tanks being moved, or the service station being removed from the Tall Tree community store, it has improved the visibility of the traffic coming out of the Pedro Road turning into George Town. So, yes, the Public Works Department has been involved but this was on the representation of the Members for Bodden Town.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member is saying that as a result of representations made by my former colleague and myself, Esso decided to withdraw the provision of gasoline and that his Portfolio used that recommendation to have the services denied?

HON. LINFORD A. PIERSON: I thought I was quite clear. What I was saying is that as a result of representations made by the representatives of Bodden Town, then Messrs. Roy Bodden and Franklin Smith, Public Works did in fact take action. As regards to the removal of the pumps or the station from the Tall Tree area, that was a decision taken by Esso without any consultation or prompting from my Portfolio.

MADAM SPEAKER: The next Question is No. 125, standing in the name of the Second Elected Member for Cayman Brac And Little Cayman.

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

NO. 125: Would the Honourable Member say whether Government has renewed the lease on the Government owned property which includes the old Galleon Beach area, and the property leased to the Safe Haven development?

ANSWER: No, the existing lease, of which the old Galleon Beach site and the property leased to SafeHaven Ltd. forms a part, does not expire for another 58 years, and is not subject to renewal until then.

SUPPLEMENTARIES

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: I would like to ask the Member if the licence has been varied in any way?

HON. LINFORD A. PIERSON: The answer again is, no, but I think I have an idea of what the Member is trying to illicit or trying to obtain in the answer. The request has been made to extend the head lease in respect of the Galleon Beach site and also Safe Haven Ltd. In order to offer a more attractive package to investors, the developers are seeking an extension of the head lease for an additional period of 41 years.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Can the Honourable Member say how far negotiations have reached on this request?

HON. LINFORD A. PIERSON: The matter is still under negotiation.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Will the Member give this House the undertaking that the Government will not deny the people of the Cayman Islands the right to the property in question in another 58 years by adding thereto 41 years making it 99 years?

HON. LINFORD A. PIERSON: I am afraid I do not get the gist of that question, if the Member could ask it again. I am not following what it is that he is asking.

MR. GILBERT A. McLEAN: Would the Member give an undertaking to this House that he will not change that lease from expiring in 58 years as it presently exists?

HON. LINFORD A. PIERSON: I do not think that I can give such an undertaking because that is not with my purview or authority.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member say (a) who would be responsible for allowing such or be the first point of contact in Government for such a request from would be developers, and (b) have such developers made any kind of meaningful case that they cannot sell properties there or develop properties because would be developers wish to project over a 99-year period?

HON. LINFORD A. PIERSON: The first point of contact would be the Portfolio of Communications, Works and Agriculture of which I am the Member. The final decision would have to be made by the Governor in Executive Council.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: May I ask if the Member for Communications and Works would be the person to make the recommendation to Council?

HON. LINFORD A. PIERSON: Madam Speaker, I believe that the Member who filled the position in Executive Council in the past is still familiar with the procedure. Yes, that is the procedure that would be followed.

MADAM SPEAKER: It is now past 11:00 a.m.

11:00 A.M.

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

HON. THOMAS C. JEFFERSON: Madam Speaker, under Standing Order 83, I move the suspension of Standing Order 23(7) to allow the other questions to be answered.

MADAM SPEAKER: I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM SPEAKER: The Ayes have it.

AGREED. STANDING ORDERS SUSPENDED.

MADAM SPEAKER: May we proceed to Question No. 126, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, just before I read that question, I wonder if the Member would undertake to answer the (b) part of the supplementary that I had asked him which he did not reply to, that was whether the developers had put forward any kind of meaningful presentation that they could not develop or sell the properties there unless they had a 99-year lease?

MADAM SPEAKER: I think the Honourable Member answered that to a degree sometime ago. We are now dealing with Question No. 126, standing in the name of the Second Elected Member Cayman Brac and Little Cayman.

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

NO. 126: Would the Honourable Member say what is the cost of the road diversion through the mangrove on the south side of Little Cayman?

ANSWER: The cost of the road diversion through the mangrove on the south side of Little Cayman was CI\$78,534.17.

SUPPLEMENTARIES

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member say if that diversion used all of the money that was allocated for the roads there or what percentage of the money went into that?

HON. LINFORD A. PIERSON: Yes, Madam Speaker, the diversion used all of the money, but to complete the diversion road, including asphalt, will be another \$55,400.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Is the reason why the cost was so high was because the original plan was changed and the road followed a different route from the one approved by Executive Council; and will he tell us why it was changed and what route it followed?

HON. LINFORD A. PIERSON: I wonder if the Member is referring to the next question which has to do with the East Link Road, if he could just review his papers.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. G. HAIG BODDEN:

Well, I was going to ask that supplementary on both questions.

HON. LINFORD A. PIERSON:

The construction of the diversion road was a matter that was authorised by the Honourable Administrative Secretary on the advice of the District Commissioner. So in this particular question I would defer to him, perhaps he has more details on this than I do.

MADAM SPEAKER:

The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN:

I would like to ask how long that piece of road is and why it was so very expensive and secondly, whether the Member for Communication has abrogated his responsibility for roads to the Administrative Secretary and the District Commissioner?

HON. LINFORD A. PIERSON:

Madam Speaker, it appears as if the Member is trying to put me on the spot. I think that he knows that I do not intend to abrogate any of my responsibilities. The situation regarding Cayman Brac and Little Cayman is not as clear cut as it may appear with regard to the building of roads. As a matter of fact this is a matter that is now being addressed between the Honourable Administrative Secretary and myself.

In the past, because the Member for Communications has also been the Member responsible for the Brac, it was quite straightforward. But now with the situation changed, the Honourable Administrative Secretary, together with the District Commissioner, makes a number of decisions with regard to roads in Cayman Brac and Little Cayman. Up to this point in time matters are only referred to Grand Cayman for technical advice, but as far as the decision as to where roads will go etcetera, this is a decision made by the Honourable Administrative Secretary and the District Commissioner. I am however, seeking to have this whole thing clarified.

MADAM SPEAKER:

The First Elected Member for Cayman Brac and Little Cayman.

CAPT. MABRY S. KIRKCONNELL:

I wonder if the Honourable Member would confirm that the historical background on this road is that this was brought to this Honourable House after I was elected in 1980 as it has a very dangerous curve and has possibly been the cause of loss of life, also it goes so close to the beach that it almost renders the property unusable. It was considered year after year but when the large piece of equipment owned by MRCU was transported to Little Cayman to construct the cross-island road at Jackson's, it was decided that since the equipment was on the Island and was a very expensive piece of equipment, this diversion would be undertaken. To the surprise of the Public Works Department it went through a pond which in the deepest part was over 12 feet and that is what necessitated the high cost.

HON. LINFORD A. PIERSON:

Madam Speaker, I thank the Member for that explanation of that question. I was just checking the Standing Orders and there is a section on the questions which says specifically that questions should not relate to matters that can easily be found in public documents.

On 5 March, 1986, Boundary Plan 174 was published which gave detailed information on this particular road. It is correct that Block 86A, Parcels 16, 18, 19, 20, 27, 28, 29, 30, 32, 37, 38, were all affected by this and it is also correct that this road was in fact realigned because of the very dangerous curve in it, to correct it and to spare the loss of lives.

MADAM SPEAKER:

The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN:

I am sure that the Member would agree that there are not a lot of souls in Little Cayman and that traffic speed or problems like that really is not the greatest concern however, could the Member clarify which property was made almost unusable due to the way the road originally went and through which property that road was diverted and also who now owns the property which was incised or cut away from it?

HON. LINFORD A. PIERSON:

As regards to the Members comments on not a number of people living in Little Cayman, I would have thought that as the Member responsible for Little Cayman that one life would be important to him. I remember when there were two vehicles there and there was a total write off. So I do not think that having a number of people there should be a major point here. Regarding the properties affected by this Boundary Plan, I would refer the Member to Gazette No. 5, which was published 3 March, 1986. This will give him all of the details that he is seeking.

MADAM SPEAKER:

The next Question No. 127, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN:

Question No. 127 is directed to the Honourable Member responsible for Communications, and perhaps before I read this question, if it is the case that the Member will be referring me to the various Gazettes that have this, then I can see no point in asking the question in this House, which was allowed. So I trust the Member would give the information on this without referring me to the Gazette.

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

NO. 127: Would the Honourable Member say whether the east link road in Little Cayman was built as approved by Executive Council?

HON. LINFORD A. PIERSON: Madam Speaker, before answering this I would remind the Member that my reference to the Gazette was reminding him of the procedures under Standing Orders. They are not my rules.

ANSWER: The East Link Road in Little Cayman was approved by Executive Council and declared in Gazette No.1 of 1990. Shortly thereafter the Government survey team went in and cut a line indicating the centre of the road to be built. The road was then constructed by the Public Works Department by measuring equal distances on either side of that centre line as set out by the survey team.

The new public road as declared by Government was to be a distance of approximately 6,900 feet in length and was scheduled to be built in two phases. Work on the road progressed at a faster pace than was expected and the funds allocated for the first half of the road actually enabled the road to be built to within 1,200 feet of the completion of the north side.

As the road at this point is 250 feet from the eastern-most end of the North Coast Road, the Honourable Administrative Secretary requested that it be slightly diverted to connect at that point of the North Coast Road. The final 1,200 feet has not yet been constructed.

Apart from this slight diversion, and apart from the remaining portion that has not yet been built, the road was constructed as approved by Executive Council.

SUPPLEMENTARIES

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I have three supplementaries regarding that answer. The first is, upon whose recommendation was the road diversion made? The second one is, was the road diversion made in order to benefit the developer of an adjacent property? The third one is, given the organisational weakness which exists in the Portfolio of Communications and Works regarding the road situation on Cayman Brac, how are we ensured that planned roads are not diverted or changed at the last moment to benefit people who may have vested interest greater than the public good?

HON. LINFORD A. PIERSON: It would be helpful if Members could give one supplementary at a time, but I will attempt to answer the three supplementaries by answering the last one first. I am not aware of the organisational weaknesses other than I stated here a matter needing to be clarified. I am not aware of roads being diverted for vested purposes or to satisfy vested interests.

Regarding the building of the road, this, as I mentioned, was a matter that was recommended through the District Administration with the blessing of the Honourable Administrative Secretary, who is the Member responsible for Cayman Brac and Little Cayman. Regarding the second supplementary I am not aware of any diversions being made to satisfy or benefit any particular individuals. As I mentioned earlier, this road was being built to connect onto the North Coast Road which is needed.

MADAM SPEAKER: I will draw Member's attention to the fact that any Honourable Member asking a question or supplementary must have the facts correct before asking. The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member say if when this road was to be put into the eastern part of Little Cayman, that he gave an undertaking or he made a statement in this House that he was negotiating with certain property owners there to bear a part of the cost of the construction of this road? Could he say if he had any success with this?

HON. LINFORD A. PIERSON: There was no success in the negotiation.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Madam Speaker, having regard to your comment, I will now ask my supplementary. Can the Honourable Member say if this road diversion, as it was made, did not directly access to the subdivision of the District Commissioner's father?

MR. W. McKEEVA BUSH: Yes, answer that one.

HON. LINFORD A. PIERSON: I am unable to confirm this but I will seek to get the answer on this and provide the Member with the answer in writing, if he so wishes.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: In the Member's reply he spoke of the road still to be completed as was set out by the surveyors. That, I would like to pose to the Member, was not the way that it was originally set down on the maps that were approved by Executive Council and that where the road now connects on the east and north side of Little Cayman was the point where it should be. Secondly, I would like to ask him if he intends to leave it there or indeed move it back down where it has been set out by the survey team, and if so, why?

HON. LINFORD A. PIERSON: Madam Speaker, I believe that most of that supplementary was covered in the substantive answer. But to reiterate, the East Link Road was proposed to be built in two phases. However, work on Phase I progressed at a faster rate than predicted and the road reached a point opposite the east end of the North Coast Road and was only 250 feet away from this road. This fact was brought to the attention of the Honourable Administrative Secretary, who recommended that it be connected to the east end of the North Coast Road. Regarding the balance to be built, the distance of 1,200 feet remains to complete the construction of the road as approved by Executive Council in Boundary Plan 248. The cost to date of the East Link Road is \$142,471.15. The cost to complete the 1,200 feet remaining is estimated at \$77,000.

MADAM SPEAKER: The next Question No. 128, standing in the name of the Elected Member for East End.

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

NO: 128: Would the Honourable Member say when the ambulance for the Eastern Districts arrived in Grand Cayman?

ANSWER: The ambulance for the Eastern Districts arrived in Grand Cayman on the 18th of October, 1990.

SUPPLEMENTARIES

MADAM SPEAKER: The Elected Member for East End.

MR. JOHN B. McLEAN: I wonder if the Member would say exactly when the ambulance went into service?

HON. D. EZZARD MILLER: The 16th of February, 1991.

MADAM SPEAKER: The Elected Member for East End.

MR. JOHN B. McLEAN: I wonder if the Member would state exactly why it took so long to have the ambulance put into service?

HON. D. EZZARD MILLER: As previously stated in this House, the reason why it took so long to put the ambulance into service was the difficulty encountered in recruiting and training the staff.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member say when he started the recruiting of the staff, the date in relation to the order of the ambulance?

HON. D. EZZARD MILLER: Madam Speaker, I do not have those dates but I am fairly certain that was answered in a previous meeting in this House by the Honourable Administrative Secretary. But, it was sometime before the ambulance arrived.

MADAM SPEAKER: The next Question No. 129, standing in the name of the Elected Member for East End.

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

NO. 129: Would the Honourable Member say if the ambulance for the Eastern Districts was used as a means of transportation for certain staff members? If the answer is in the affirmative, will he make a statement giving the details, dates, etcetera?

ANSWER: Yes, the ambulance for the Eastern Districts was used as a means of transport for staff members. It was used to transport staff twice daily from 16th February until 31st March.

SUPPLEMENTARY

- MADAM SPEAKER:** The Elected Member for East End.
- MR. JOHN B. McLEAN:** Madam Speaker, I wonder if the Member could say who authorised the ambulance to be used as a means of transport?
- HON. D. EZZARD MILLER:** That was the decision of the Chief Nursing Officer and the Ambulance Supervisor and I may just as well add now that I objected most strongly to it and it took me that long to get them to change their minds.
- MADAM SPEAKER:** The next Question No. 130, standing in the name of the Elected Member for East End.

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

- NO. 130:** Can the Honourable Member state the mileage which was on the ambulance when it was put into service, and what is it to date?
- ANSWER:** The mileage on the ambulance used in the Eastern Districts when it was put into service 351.0 miles and at present it is 4,547.0 miles (20th June, 1991).

SUPPLEMENTARY

- MADAM SPEAKER:** The Second Elected Member for Bodden Town.
- MR. G. HAIG BODDEN:** Can the Member say how many of the 4,547 miles were put on with real calls?
- HON. D. EZZARD MILLER:** Madam Speaker, I believe the Member can calculate that as well as I can from the answer to the previous question. It was used twice a day from the 16th of February to the 31st of March and it is about 22-23 miles each way.
- MADAM SPEAKER:** The next Question No. 131, standing in the name of the elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION, ENVIRONMENT, RECREATION AND CULTURE

- NO. 131:** Would the Honourable Member say what was the cost to restore the Old Fort to its present state?
- ANSWER:** Government has not spent anything on the project. The Trust Council's original cost estimate for the archaeological excavation, building the sea wall and sidewalk, planting the park, furnishing, etcetera, was \$25,000.00 (as noted in its 1989 Financial Statement). The Trust was fortunate in having a grant from Pierson, Heldring, Pierson for \$5,000.00 to start the project, and funded it thereafter with donated funds. There was also considerable donated materials and services. Expenditure for each year on the project have been:

1988	\$ 1,594
1989	\$ 20,382
1990	\$ 3,575
Total:	\$ 25,551

SUPPLEMENTARY

- MADAM SPEAKER:** The Elected Member for East End.
- MR. JOHN B. McLEAN:** Madam Speaker, I wonder if the Member could say by whom this restoration was done and whether the project went out to bids and if so, how many bids were submitted to Government?
- HON. BENSON O. EBANKS:** Madam Speaker, the project was not a Government project, it is a Trust Council project. And as pointed out, there were considerable materials and services donated. I am not aware that the project was in fact a contracted project. I believe that members of the Trust did a lot of the work themselves. I believe there was an archaeologist from Jamaica helping with the archaeological aspect of it, whether he directed the restoration, I am not sure.

MADAM SPEAKER:
for 15 minutes.

This is the end of Question Time. The House will be suspended

AT 11:33 A.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 11:55 A.M.

MADAM SPEAKER: Please be seated. Proceedings are resumed. Government Business - Bills. Continuation on the Second Reading Debate of the National Pensions Bill, 1990. The Honourable Member for Health and Social Services.

GOVERNMENT BUSINESS

BILLS

SECOND READING

THE NATIONAL PENSIONS BILL, 1990

(Continuation of debate thereon)

HON. D. EZZARD MILLER: Thank you, Madam Speaker. When we took the adjournment yesterday, I tried to summarise the benefits which are provided for in the Bill and to clear up any confusion that might have been created by some Members of the Backbench in their contributions to the debate, and to point out that all that this Bill provides is a pure pension, nothing else. There are no sickness benefits, there are no unemployment compensation in it and I must add that the pension which this Bill provides for, has to be earned and purchased by the employee through a four per cent contribution by himself and a four per cent contribution by his employer. That purchases for him a pension benefit at the rate of two per cent of his annual salary per year for the first ten years and thereafter 1.25 per cent of his annual salary for each year after the ten years.

I must also add that there is a ceiling in this Plan of an annual salary of \$25,000. If you are making less than \$25,000 it is calculated on your whole and total salary. If you are making more than \$25,000 the maximum you contribute and earn your pension on is \$25,000.

The Bill also provides that this pension benefit that is paid for by the employee can, in some instances, be converted for example, to an Invalidity Pension. If the person has contributed for a period which allows a pension to be vested for more than three years and he meets with an accident that makes him completely disabled and unable to work, he can apply for an Invalidity Pension. Let me hasten to add here that this Invalidity Pension is not some great amount of money. For instance if a person had contributed on a maximum salary of \$25,000 for a period of ten years, as an invalidity pensioner he would be entitled to 20 per cent of that annual salary of \$25,000 for the first ten years, once he had qualified up to ten years. That would only be \$138 per month. That is the maximum Invalidity Pension that can be claimed by anybody under this Plan.

His regular pension, had he contributed on the same salary for ten years, would be \$416 per month. He will get his Invalidity Pension up to 65 years of age then he will get his regular pension. So it is not a case where one or two people can become an invalid and wipe out the fund. He is only entitled to the benefit that he has purchased himself, not what somebody else has contributed to.

The same goes for the Survivors' Pension regarding children or spouses. The Bill is quite clear on what percentage of the pension earned by the individual prior to his death can be claimed by his survivor. Spouses will get 60 per cent of whatever pension he had earned and/or 20 per cent for each child, but it can never exceed 100 per cent of what the person had earned. So in the example that I gave of the \$416, his wife could get 60 per cent of that and if they had two children each would get 20 per cent. That would be the 100 per cent. Having another dozen children would not make any difference. They would only get the \$416 per month. Under the Bill the surviving spouse does not get that ad infinitum, there are specified conditions under which it is paid for a specified period of time.

The death benefit is fixed at \$5,000. Certainly Members are not suggesting that if somebody had paid in for ten or 15 years, they would have paid in much more than the \$5,000 and if they die they must get zero. That could never be considered equitable. It is specific that no one can receive two benefits. If the wife earns a pension in her own right and she claims that at 65 years of age, she loses the other benefit. No one can receive more than one benefit from the Plan. Members seem to be conveniently ignoring these provisions in the Bill, or they have not read the Bill and to get up here and suggest that somebody is going to get all of these benefits and that they cannot be afforded because somebody will be able to get four or five of them at once.

Now, I will try to deal with the individual comments that were made by the Members. I wish to thank the First Elected Member for Cayman Brac for his support of the Bill and I agree with his concern about the death benefit. Maybe this is one of the things that the Committee can try to find a way to write into the Regulations or the Law so that the death benefit can be assigned or that the funeral parlor that provides the burial costs can apply against that death benefit and be paid for whatever they have expended on the individual up to the \$5,000. I can support that.

Now, to turn to the Second Elected Member for Bodden Town's contribution. First off he said that the only reason this Bill was here was because it was political. That might be so.

I promised to bring a Bill and the Bill is here. I was the seconder for the motion in 1986 - they tried to misquote me on that yesterday - but I stand by that. The Bill is here. I worked diligently on producing a Bill for Parliament to consider. If he wants to consider that political because I have delivered on a promise that I made, then I accept that charge. But, in no way can accept that this Bill compares to the United States Social Security System and that the Fund will be overburdened from day one. That is absolutely not the case. For the first three years of this Plan no one can receive a benefit, period. That is why the Law exempts people from the age of 62 and above from having to contribute.

He said that we needed a holiday period like the Civil Service Pension Plan. He has a copy of the Actuarial Report on the Civil Service Pension Plan. I do not have to remind him that there is no holiday there. That has a current liability of \$32 million which is separate from the 8 per cent that the Government has decided to put into a special Fund. The Treasury of the Government will have to continue to pay those pensions while that Fund is growing. That is not the situation with the National Pension Fund.

We are starting to receive benefits and three years from the date that the benefits begin to accrue no one will be paid a benefit. So we have the holiday! Are they suggesting that we must make this Plan like some of the wonderful private sector schemes that the Chamber of Commerce has claimed are so much better than the one that Government has put forward, that you have to wait ten years to have your pension vested and you have to be 45 years old. I think that three years is a reasonable period.

I am not an actuary. I do not even have the benefit of being an accountant, but I took the advice that I got. He claimed that the funds in this at 8 per cent will never be sufficient to pay any benefits. Well, the actuaries tell me that 8 per cent will give us 50 years of liquidity. For 50 years from the day that we start the liability for that Plan will not equal the assets that it has collected. I believe that that is a fairly decent cushion.

I cannot swear for any incoming Government, nor can I legislate to prohibit them from adding sickness benefits or unemployment insurance. Parliament is supreme whenever it sits. I cannot prevent him. I am not going to do that. The Bill that I brought to the House is quite clear on what this Government is prepared to put before the people and that is a pure Pension Bill. They keep saying that we are trying to do too much, that we must only do pensions. That is exactly what we are doing.

Unlike the most vocal of opponents the Government introduced in this legislation, that Member and maybe he - he has been in the insurance industry, I agree, for a long time - knows that there are no Plans out there as good or better than this Plan. But that is not what I am told. I have been told from day one by the Chamber of Commerce and its Committee that everybody, every Tom, Dick and Harry has a better Plan than this one and it is costing them less. So if that is the case, they should have no fear of qualifying to opt out.

My information is that a lot of the plans out there in their present form, cannot qualify because the vesting period is too long, because you have to be contributing for ten years, or you have to be 45 years old. If you worked from when you were 16 years old and contribute for ten years, "Sorry, old lad, you have to wait until you become 45 years old before you can claim anything here having a vested benefit." They are not doing biannual actuarial reviews, they are not publishing accounts or a list of their investments. They are carrying them in their regular balance sheet and they are doing what they want with the money. Those things they will have to do if they want to opt out. The employees that are paying into that pension plan are entitled to know those things.

He also made a big deal about Finance Committee having access to the Funds. He knows better than that. I am sure that he does because one of the other Members of that group went on to laud the Currency Board provisions, it is exactly the same thing. Call it a politically appointed Board or whatever you want, that is a politically appointed Board, that is appointed by Executive Council. Government cannot commandeer their funds.

As for his complaints about the investment provisions, I think that the investment provisions in the Law which have to be followed up by guidelines in the Regulations, are fairly adequate. I certainly do not accept from him that the Plan will be bankrupt from day one.

Now as for the contribution of the First Elected Member for West Bay, who claims to be my shadow minister, all that I can say about that is that as usual it is midday. To get to the Third Elected Member for George Town's contribution, he wants to see that it is done right; so do I. Believe me, this Government has worked with everybody concerned to try to get it done right. He wants time and proper representation to the Committee. I do not have any problem with that. He got into what he called a "technical objection". I will bow to the fact that he is a lawyer and that I am not one, but even those of us who are not lawyers know that the Government cannot make Regulations for a Bill before the Bill is passed. So it goes without saying that any Regulation which I circulated to Honourable Members have to be marked quite clearly "Draft Regulations". I cannot make Regulations for a Bill that is not yet a Law. But I am brave enough to draft them, circulate them to Members, let them criticize them, put them before the Committee, let the Committee critique them and criticize them and change them in whatever fashion they say and see if we can improve on them.

But it even gets worse than that because he quoted (and I guess this is how lawyers win cases, they read two words from one line and forget the rest of the context that it was made in) section 42(1), which says: "The Governor may make regulations required by this law to be made.". The he proceeded to chastise me on this "technical point". But he totally ignored section 43 of the Law. Section 43 of the Law reads: "No regulations shall be made under this Law unless a draft of such regulations has been laid before the Legislative Assembly and a resolution approving the draft... [See, Madam Speaker? The word "draft" is even used in the Law] ...has been passed by the Legislative Assembly.". He knows that, because he read the whole Bill and he spent a long time reading this trying to find something wrong with it and he could only find two little clauses. He even has rings under his eyes from lack of sleep! Or as some Member has said, I may be eating too many

mangoes, I do not know, I just see the lines under his eyes. But he knows that that means that I have to bring the Regulations here and not just lay them on the Table so they are subject to the negative resolution. Whoever brings them here has to make a motion that they be accepted and so they are debated and the House votes on them.

He tried to make everybody believe that that one little sentence in section 42 gives me the power to make all of these Regulations and finalise them even before the Bill comes to Parliament. I will write that off as I believe he is only trying to give me trouble, not that he did not know, because I believe that he knew. And he is trying to get a few votes 1992, he will need plenty of them he knows that, but that is all right. He would get more votes if he would help me get this Law in place so the people have a Pension Plan before November 1992.

Then he also went on to make a great deal of the power of Inspectors and said that I should dress them up in special uniforms and put a licence plate on their back and the numbers should be carved into their foreheads so that everybody would know long before they got there who was coming. Again he read one little section of the Law and made people believe that somebody could come up to you as an Inspector dressed as a Catholic Priest and you have to accept it, when in the same section of the Law and in a different subsection from the one which he quoted it makes it quite clear:-

12(2) "Every inspector shall be furnished with a certificate of his appointment and on applying for admission to any premises or place for the purposes of this Law shall produce the certificate."

Now, I cannot make it any clearer than that. If I give them a uniform they might change their clothes before they get down there to inspect his business, but if I give them a certificate that has to be signed by the Director, then they cannot change that between here and there. So I believe that is better than any uniform I could dress them up in. He also went into this deal that the benefits were so great and so elastic that the Director could stretch these benefits to pay anybody any amount of money that they wanted. Again, he knows better than that. I have just explained how the benefits are calculated and under what conditions they can be converted and how they are earned.

I would just like to point out that only those people, if we pass this Bill today, who are younger than 23 years old can qualify for the maximum benefit which is 60 per cent of \$25,000 by age 65. Anybody older than that will get less, so this Bill is really beneficial to the young people going into the workplace now. Each person will earn a pension but it will not be a great deal of money. All that the Government is trying to do here is to provide a minimum pension for individuals. Somebody who qualifies in three years will not get a big pile of money, he will get 6 per cent. For the three years of contribution he will have purchased 6 per cent of his average annual salary over that three years. As I said, this is as fully-funded a Plan as any defined benefit plan anywhere in the world can be. You only get what you buy. You do not get what someone else bought for you and it is not a pay-as-you-go scheme. It is funded under the projection method and the funds will be there for you.

In his usual way he read half of one sentence from a letter that I wrote to the President of the Chamber of Commerce. I make no apologies for this letter but I will read the whole letter. It is addressed to Mistress Berna Murphy, President of the Chamber of Commerce re: the National Pension Bill: "In reference to your letter dated the 7th of November, 1990, I regret to inform you that I regard the subject of National Pensions Plan closed." We did, with the Chamber of Commerce, not with the country. I go on to say: "I take great exception to your latest campaign of misinformation to the public regarding the legislation that my Portfolio proposed on the subject. For example: '1. This is a form of direct income tax, and 2. Do you want your retirement money controlled by ExCo?' I intend to respond to this campaign of misinformation in a forum of my choice."

I have spent two years talking to them and got absolutely nowhere. They accepted everything that they wanted in the Bill except that Government should not provide a Pension Fund by which its citizens could comply with the Law but must put the money in their pocket. And they are going to democratically appoint a Board. Now how you can ever democratically appoint a Board is beyond me. The only way that could have any application would be the fact that Executive Council Members or the Government is elected by the people and Executive Council appoint a Board.

They were asked the same question on the radio show when they had this wonderful man from Chile promoting their great success story in Chile and what the Chamber of Commerce wants to put around the necks of the people in the Cayman Islands. They said that they would accomplish that by changing them every year. They were going to reappoint them every year. Therefore that ensured that they were going to be democratically appointed. These quarter page advertisements that they pay the *Caymanian Compass* for have in them this misinformation about it being a form of direct income tax. They knew that that was a blatant untruth when they were putting it in there, because nothing can be considered a tax unless it goes into Government Treasury. These funds are not going into Government Treasury.

"Do you want your retirement money controlled by ExCo?" Executive Council does not control the funds, the Board does; but who better, if that were the case, to have your Pension Plan controlled by than duly elected representatives of the people rather than by some private individuals meeting in some dark, mahogany-lined Boardroom, who might have come here from Timbuktu who can leave the next day? If you cannot trust the people that are duly elected, how can you trust some share-holding appointed Board member?

Of course, I disagree most strongly with those politicians who feel that all politicians are dishonest and therefore the funds have to be out of their reach. I do not have that concern because they know, some of them have been in Executive Council, that we do not have the dollar bills in Treasury laid out in front of us on our desks and that we can take whatever we want and spend it. There are miles

and miles of red tape and bureaucracy to get any money spent in Government. And the final approval for anything spent is Finance Committee and they have their input.

I invite the Chamber of Commerce to come and make their representations to the Committee. And just to bring in that item about the Chamber of Commerce, this is the form in which I choose to reply to them. Putting the Bill before Parliament, they must come to the Select Committee and bring in their representation. Tell them to bring their expert from Chile so he can tell this Honourable House that this wonderful plan in Chile ignores 20 per cent of the population and all of the poor people. That is what the Chamber of Commerce wants for Cayman. They must bring Mr. Ferrara from Washington and let his great legal mind criticise the actuarial reviews. Then Members will see what in fact the members of the Chamber of Commerce Committee want and whether they want to provide pensions in an equitable and justifiable fashion to the public or whether they want to control the funds and do as they see fit because I have seen in the press where they have launched a plan that is 10 per cent, (5 per cent each from employee and employer) and the employee can pay up to 20 per cent. I have seen no published actuarial reviews that that 5% & 5% can buy their benefit package. I have not even seen what their benefit package is.

If they are saying that under their plan they are going to give the person back the money at age 65 and tell him to go out and buy their retirement plan most insurance companies are going to ask him, "How much money do you want to be paid each month?" He will tell them and then they will send him to a doctor. The doctor will estimate that he will live another ten years, then they will multiply that monthly requirement of his by 120, then they will add on about 10 per cent for the cost of handling it and then tell him that is what the premium is. That is not what the people of this country deserve. The people of this country deserve a plan that they can contribute to from their first day at work until their last day at work and earn a specified pension at a specified rate for as long they are contributing.

Some of the comments that have appeared in the press by Mr. Ferrara on behalf of the Chamber of Commerce reviewing the Towers Perrin Actuarial Review are an insult to the integrity of the Caymanian people, for example when they make comments such as the "generous disability benefits will reduce the total work effort in Cayman". That is an insult to the hard-working Caymanian. That is an implication that Caymanians will abuse these benefits and suggests that we are lazy people. I cannot accept that. But, that is the general trend of their comments.

The Third Elected Member for George Town said that the nation had rejected the Bill. I do not accept that. We had a few special interest groups with a lot of money at their disposal. The media are always looking for something to help market their papers, for controversy to write about so that they can sell papers. There is no problem with that if that is what it takes to market papers, that is fine. They conducted a campaign of misinformation to the public and I still do not believe that the public at large rejects a proper pension plan. I think that the employers object to it because they do not want to pay the 8 per cent. They do not want see Caymanians looking after themselves and being able to retire and enjoy the twilight years of their lives. They want them as they have them now. They have to work with one foot, one shoulder, and one arm in the grave while the other foot and hand handles the machete and pulls the bush in the yard outside of the grave; because they will use them to clean up their graves when they get into the graveyard.

I accept his contention that I have a duty to represent the country. I believe that I am fulfilling that duty by bringing this Bill to Parliament. He claims that I never learn. Maybe that is true, but I think he also would have to admit that when I take on a project, I do it to the best of my ability and I am not afraid of a fight. I get beaten sometimes, but I have a way of bouncing back.

Just to put it into perspective (do not hit yourself too hard in the chest you may knock a hole it), suppose someone was earning a salary of \$20,000 and they were contributing 8 per cent, which would be an annual contribution of \$1,600. Over 30 years they will have paid into the fund approximately \$48,000 and they will earn a pension of about \$700 a month. Now that \$48,000, without any interest on it, can pay them a pension for seven years. And we all know that at 8 per cent, every 12-15 years the money will double, so would the interest on investments. He will probably have put in and earned in the Fund \$96,000 in 14 years. The life-expectancy in Cayman in 1988 was 74 years, ten years after you draw your benefit at 65 years. In 1990, with all of the improvements that this Government has made in health care since I have been the Member, it is up to 77 years. But he can still reach it.

He raised what he considered another technical point (and I will give him the credit that in the Standing Orders and in Law he might be right) as to why the Speaker should not share the Select Committee. But I want to ensure him and the public that the reasons why I suggested that the Speaker be Chairman were not for the reasons that he announced. Again, he was right, but he confused his argument in trying to make me look bad politically by saying that the only reason that I wanted the Speaker to be Chairman of the Committee was because I was afraid of the number of votes and if I sat in the Chairman's chair there would be a possibility for a tie in votes or that would be the best that I could do, and that as Chairman, I would be afraid to use my casting vote.

Ezzard Miller is an advocate of this Bill before the House. I put it together and while it may not be perfect, do you really believe that I would be scared or intimidated into casting my vote for the Bill which is to maintain the status quo in the Committee meeting to consider this Bill? All that I was looking for was complete impartiality in the Chairman because I know I am going to be an advocate of the Bill and I would prefer to be an ordinary Member so that I could argue fully. As Chairman I should not and will not take part in all of the discussions. If I am not the Chairman then I will have free reign like all the rest of them to talk as much as I want. But let me make it quite clear that I have no problem in being the Chairman. To meet his legal technicality I would invite the Speaker, when I move the motion, to appoint a Chairman of the Committee.

He got into making little comments about the meeting on Friday night where he got up and made his grand stand. I let him off of the hook because I did not want to turn it into a

totally political argument because the debate will come in Parliament. But since he brought it up, I missed a golden opportunity. I let him off of the hook. The Law that he claimed is inadequate for the Planning Regulations was written by his Government in 1977. He used it plenty of times between 1977 and 1984. He voted for the money to buy land for the garbage dump. He knew what I was buying it for. He voted for the money for the consultants to design it properly. He knew which piece of land we were going to work on. He got up to the front and told them he did not know. But the *Hansards* of the House will take care of that when we come to debate on that issue. I will take him on then.

He took great exception to the rules for investment... I have four hours and that Member who is grumbling has already been dealt with... and claimed that it was all right to put in the UK Government, the United States Government and the Canadian Government, but should never include the Cayman Islands Government. I see nothing wrong if the Investment Committee, under the guidelines and if the Board approves the purchase of local Government Bonds, for them to do it. But the Government cannot demand that it be done. Or, if the Investment Committee puts \$50 million in one of the "A" class banks, he agreed with that. And if they feel like lending it to the Government for a project, then I do not see anything wrong with that. What I object to is the pension fund coming into Government, into the National Treasury and having direct access and the Law does not allow for that.

He seemed to be really intimidated by a lot of money. If it was only going to be a couple of hundred dollars there would not be anything to worry about, but he had great fear that there would be large sums of money. I do not have any fear of that, my hands will not stick to it. We know that any time that we come here to Finance Committee to do a project, Finance Committee has to approve the funds. They cannot do that with the National Pension Fund because they do not have any access to it, just as they cannot do it with the Currency Board funds, they cannot do it with the way this Law is set up.

He claimed that this is the wrong time to bring the Bill because we are in a recession. I am sorry he did not recommend what would be a good time because he has been crying "recession" since he has been in this House. I am sure that he will be crying that to Government as long as he is here, so if that is the criteria we are going to use, we will never introduce it. He wants broader pension provisions. This one Law is not broad enough. We must only regulate them. Again, we must take the money that people pay as duty on their corned beef to Treasury, to regulate private pension funds. He is worried that the Regulations will specify the period of time under which the employer must pay the funds that he deducted from an employee's payroll into the Fund. I have no problem with that.

He wants to file an amendment in Committee stage that we have the same 14 days to pay benefits from the time that they were claimed. I have no problem with that either. Maybe that is one of the improvements that he can make in the Committee stage.

He said that he knew the private pension plans could not match the 8 per cent. I believe that too, because they are making profit on the poor people and the profit is probably that extra four per cent. These people can say what they like now but they are not afraid to charge in Cayman for goods and their profit-margin is not usually confined to two and three per cent.

He claims that there was only one actuarial review done and he saw one that was done by someone in England. I have never seen the one that says that it cannot be done for 8 per cent. I would like to see a copy of it though. Because this one has been done twice and checked by another independent actuary who has confirmed it. The Government has been even more conservative because the actuary said that 7.2 per cent could do it but we rounded it up to 8 per cent to give even that much more cushion in the Plan. He knows that because he has a fully bound copy of the Actuarial Review.

He claims that if he gets into Government and gets the responsibility for pensions that the contribution is going to go from 8 to 10 to 12 to 14 to 16 per cent. I cannot legislate against him doing that if he so chooses to do. I can only bring forward what I believe in and that is pure pension benefits and 8 per cent can fund it. Now, if he gets up in the Election campaign coming here in the near future, which they have started already, and starts promising the people that he will give them unemployment insurance under the pension plan, that he will give them sickness benefits under the pension plan, that he will give those that do not qualify, a retirement pension under the plan, then, of course, contributions will have to go up but he will have to sell that to the public, not me.

He says that Government should not deal with anything that the private sector can do. I agree with that, but the private sector has been around in this country for a long time and they really have not done very much about a pension plan. One company has taken the Chamber of Commerce's advice quite recently and it has saved the directors about \$4 million a year in pension costs. I think that the employees are a lot worse off under the defined contribution than they were under the defined benefits plan. But if the employees accept it, then there is nothing that I can do about that.

He realised that there was not much wrong with the Bill. When he got to talking about the minor changes he got a little confused because he could not say that he had recommended great changes, he said that he could only think about a few less minor ones. Then he went on to correct that and said a few more minor ones because he had raised the greater minor of problems that he could find wrong with the Bill.

The Third Elected Member for George Town said that all of the assumptions of Government were wrong. The Government did not make any assumptions for the actuaries. They came up with a list of assumptions that they recommended based on the statistical information available, and it was approved by the Chamber of Commerce. But as soon as they did not come back and recommend 25 per cent, as the Chamber of Commerce wanted, those assumptions were all wrong. But they were all approved by them in the beginning. They were not Government assumptions, nor were they mine; that is what we paid the actuaries to do.

He was very concerned about the wide powers of the inspector.

I do not think that the inspector has any more powers than necessary under the Bill. But with the track record of these employers in this country, somebody has to be given the authority to inspect their books if they do not make the payments on behalf of the employees. We all know of numerous cases in this country of people who have worked, contributed to pension plans for 10 or 15 years and when they left the company they were told, "Bye-bye" and were given a Timex watch that stopped before they even got home.

He claimed that the pure pension benefits are blurred. I do not think that they are blurred, of course I thank the Good Lord that I am blessed with 20/20 vision. Maybe he did not have on the right pair of glasses when he was looking at the list of benefits under that section of the Law. That would be the only thing that could blur them. I am being reminded here that at 40 years I will also need glasses! I hope not.

All in all, the contribution of the Third Elected Member for George Town was a valiant attempt on his part to find something wrong with the Bill. But in the final analysis he could not find anything of significance and I believe that when he gets into the Select Committee and he hears the things that the Chamber of Commerce would like to be done, he will agree that the Bill in its present form is not that bad a piece of legislation.

I wish to thank the Member for Tourism for his support and the Second Elected Member for Cayman Brac for his. He made some very important points; I believe that I can count on his support, when he hears the Chamber of Commerce's views, to help whip them in line. And I am always grateful to my Chief Minister, for whatever support I can get from him.

Now, for the Third Elected Member for West Bay. He also followed in the footsteps, as he usually does, of the Third Elected Member for George Town and believes that all of the benefits are cumulative and that one person will be able to wipe out the Fund. But I believe that I have now convinced him that that is not so. And he felt that we should establish a basic plan and start with pensions and add other things on to it later on. I am starting with pensions and as far as I am concerned, we are going to stick to pensions, we are not going to add anything. Again, I cannot legislate against that Member either. If he wants to add additional benefits in his time, then he will have to convince the public of that need. And as he said, he would increase the contribution in order to add those benefits, other than the pension, that he wishes to add because all of the benefits in here now are pension and nobody gets what they have not purchased and nobody can receive anymore than one benefit.

He also felt that the Fund would be bankrupt at 8 per cent. As I have said, I disagree with that. He said that he believed - obviously he was of the Government that intends to form - would borrow money with no intention and no means of repaying it. Again, I believe that he will have a hard time in the first instance finding it to borrow, especially after he made the statement that his government would have no intention of repaying it and they probably would not have the means by which to repay it. I believe that Government borrowed money, it has the means to repay it and it certainly has the intention to do so.

He charged me, as the Member piloting the Bill, to take notice of what goes on in Select Committee. I have no problem with that, but from here on, any decisions about this Bill are going to those made collectively by the Select Committee, not by me. I have done my share of the work and it is up to the Committee now to find the necessary means by which to improve the Bill. I believe the Bill in its present form, while not perfect, is an attempt at which my Portfolio staff can feel justly proud and I thank them for their determination to produce the Bill.

I commend the Bill to the Select Committee of the whole House and I ask Members to endeavour to support it so that we can get on with providing pensions for our people.

MADAM SPEAKER: Before I put the question, I would like to make a comment. It has been customary in the past for the House to appoint Select Committees of the whole House.

Standing Order 69(1) says: "The House may appoint any of its Members to be Members of a select committee to consider and report on a bill or otherwise to assist it in exercising its function under Part IV of the Constitution." *Erskine May Parliamentary Practice* page 611 provides that: "Select committees, that is committees composed of a number of Members specially named, are regularly appointed to consider, inquire into, or deal with particular matters or bills." While I realised that this procedure is a hangover from the olden days where all Members wished to be part of what is termed "select committees" to consider a bill or any matter, the House, in due course, will have to consider upgrading its procedures in accordance with other established parliamentary practices and this would be a matter for the Standing Orders Committee in due course.

Now the question is...

HON. D. EZZARD MILLER: Madam Speaker, I think we want to take the Second Reading debate vote first then I will formally move the motion.

MADAM SPEAKER: Right. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM SPEAKER: The Ayes have it.

AGREED. THE NATIONAL PENSIONS BILL, 1990, GIVEN A SECOND READING.

STANDING ORDER 24(9)(ii)
REFERRAL OF BILL TO A SELECT COMMITTEE

HON. D. EZZARD MILLER: Madam Speaker, under Standing Order 24(9)(ii), I wish to move that the National Pension Bill be referred to a Select Committee of the whole House.

MADAM SPEAKER: I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM SPEAKER: The Ayes have it.

AGREED. THAT THE NATIONAL PENSIONS BILL, 1991, BE REFERRED TO A SELECT COMMITTEE.

STANDING ORDER 69(2)
NOMINATION OF CHAIRMAN OF SELECT COMMITTEE
ON THE NATIONAL PENSIONS BILL, 1991

MADAM SPEAKER: In accordance with Standing Order 69(2), I appoint as Chairman of the Select Committee the Honourable Member for Health and Social Services, the Member in charge of the Bill. I think it has been agreed by the majority of Members that the House at this time will adjourn until tomorrow morning 10 o'clock and I will ask for a motion.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the adjournment of this Honourable House until 10 o'clock tomorrow morning.

MADAM SPEAKER: The question is that this Honourable House do now adjourn until 10 o'clock tomorrow morning. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM SPEAKER: The Ayes have it. The House is accordingly adjourned until tomorrow morning at 10 o'clock.

AT 12:56 PM THE HOUSE STOOD ADJOURNED UNTIL 10:00 AM WEDNESDAY, 26TH JUNE, 1991.

**WEDNESDAY
26TH JUNE 1991
10:05 A.M.**

MADAM SPEAKER: 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 II, 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 Speaker of the Legislative Assembly, the Members of Executive Council and Members of the Legislative Assembly and the Speaker 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.

Let us say the Lord's prayer together: Our Father who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done 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.

MADAM SPEAKER: Please be seated. Proceedings are resumed. Questions - No. 132. The First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS

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

NO. 132: Would the Honourable Member say what is the present status of the proposed Bodden Town "back-road"?

ANSWER: There is currently no planning underway and no funding in the 1991 Budget for a Bodden Town back-road. Over the past years there have been several proposals for a connecting road between Bodden Town and the North Sound.

In 1989 several alternatives were considered, most utilising the former Master Ground Transportation Plan (MGTP), east-west arterial. These alternatives were estimated to cost between \$1.1 million and \$1.6 million for land and construction of a basic two-lane road.

In 1990 the east-west arterial was deleted along with the rest of the MGTP and no further planning has been done on this road since that time. Any connector road between central Bodden Town and the North Sound will require a similar substantial east-west element.

SUPPLEMENTARIES

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
Can the Honourable Member say if any alternate consideration was given other than the east-west arterial proposal in the MGTP?

HON. LINFORD A. PIERSON: Madam Speaker, I wonder if the Member could state specifically what other alternative he is speaking about?

MADAM SPEAKER: First Elected Member for Bodden Town.

- MR. ROY BODDEN:** Madam Speaker, perhaps I might rephrase the question to ask has the Portfolio tried to ascertain from the people of Bodden Town just what type of road they expect?
- HON. LINFORD A. PIERSON:** Madam Speaker, as in the case of other road development plans for the Cayman Islands, my Portfolio has appointed a committee, The Grand Cayman Road Improvements Plan Committee, to investigate any road works and corridors necessary for the Cayman Islands including Bodden Town. The report of that committee should be forthcoming shortly.
- MADAM SPEAKER:** The Second Elected Member for Bodden Town.
- MR. G. HAIG BODDEN:** Madam Speaker, may I ask the Member if he is aware that a request for this road goes back much further than 1989? It goes back to 1984 when an aerial survey was ordered and completed at the end of 1984, specifically to map out this road in the back of Bodden Town.
- HON. LINFORD A. PIERSON:** No, Madam Speaker, I am only aware of the proposals that were contained in the MGTP. But I will seek to find that information the Member is alluding to.
- MADAM SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** Thank you, Madam Speaker.
I wonder if the Honourable Member could say if at any time in the recent past, meaning the recent past five years, there was any provision made in the Budget for an allocation of funds for a survey of this road?
- HON. LINFORD A. PIERSON:** Yes, Madam Speaker, there was an allocation made in the Budget.
- MADAM SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** Thank you, Madam Speaker.
May I then ask the Honourable Member what was done with these funds and if the funds were used for the conducting of the survey, what were the results of the survey?
- HON. LINFORD A. PIERSON:** Madam Speaker, I believe that the Member already has that information. He is aware that in 1989 the Backbenchers destroyed the MGTP and as a result that road was not possible so the funds for that survey have lapsed and have gone back into general revenue.
- MADAM SPEAKER:** The Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker.
Would the Member say whether he has gone on with any other roads that were in the MGTP afterwards?
- HON. LINFORD A. PIERSON:** No, Madam Speaker.
- MADAM SPEAKER:** The Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** What was the Jennett-T then?
- HON. LINFORD A. PIERSON:** The Jennett-T was in the MGTP. If you are referring to the Jennett-L, which is a new concept, that was not a part of the MGTP.
- MADAM SPEAKER:** The Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** Is that not the same road but a different alphabet?
- HON. LINFORD A. PIERSON:** No, Madam Speaker, if the Member would have understood the first concept in the MGTP, he would have known that that was a "T" that was going to enter both into the Mary Street area and to Shedden Road. We have now reduced that so that it will be accessing onto Shedden Road only. This is a completely new concept and different location.
- MADAM SPEAKER:** The Second Elected Member for Bodden Town.
- MR. G. HAIG BODDEN:** Madam Speaker, may I ask the Member if it is correct that the recommendation in the MGTP with regard to Bodden Town did not include any back-road for Bodden Town during the period up to 1992 and that the \$50,000 for the survey had nothing at all to do with recommendations in the MGTP?
- HON. LINFORD A. PIERSON:** Madam Speaker, it was all a part of the same package.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
Could the Honourable Member say if this much talked about and requested back-road for Bodden Town is deemed to be of sufficient importance to be considered in the upcoming Budget?

HON. LINFORD A. PIERSON: Madam Speaker, priority will depend on other requested jobs and available funding. It should be noted that without an east-west type of arterial road there will be very little traffic demand for this road and a high priority is unlikely.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
I wonder if the Member would care to elaborate on his understanding of the fact that the road requested is not a by-pass road by-passing Bodden Town, but a road from one end of Bodden Town, the south end, to the north end?

HON. LINFORD A. PIERSON: Madam Speaker, I will look into this particular point raised by the Member and discuss it further with the Chief Engineer.

MADAM SPEAKER: Question No. 133, standing in the name of the First Elected Member for Bodden Town.

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

NO. 133: Will the Honourable Member say what is the status of the following projects which arose out of the Bodden Town District Visit in February, 1990:

Job No.	Name
(a) 51	Drainage problem - Seaview lunchroom;
(b) 49	Northward/Poinciana Drive Intersection; and
(c) 38	Toilet facilities - Savannah/Newlands fairgrounds?

ANSWER: The first project, the Seaview lunchroom drainage problem was investigated in 1990 and a simple solution was not found. The lunchroom owners wanted to maintain an open driveway and they did not want steps installed. This basically eliminated all measures to handle the problem by keeping the water on the public road. The owners then elected to do some work on their own property to divert the water, and we believed this was successful in treating the problem. However, as a result of this question, the Public Works Department has again contacted the owners who says that the wall they installed is not completely effective. Therefore, another approach will be made to reduce this problem.

In the second project, the Northward/Poinciana Drive junction was not funded in the 1991 Budget. Survey and design work is continuing and funding will be sought in the 1992 Budget for this work.

The third project - the toilet facilities at the fairgrounds. The project documentation and costing is being finalised and will be submitted to the Portfolio of Communications Works and Agriculture shortly. A policy decision on the funding for this facility will be necessary bearing in mind that no funds have been allocated in the 1991 Budget and that the facility would be sited on land not owned by Government.

SUPPLEMENTARY

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, may I ask the Member why it has taken such a long time to do the costing of the toilet facilities at the Savannah/Newlands fairgrounds?

HON. LINFORD A. PIERSON: Madam Speaker, as stated earlier, there was no funding in the 1991 Budget and costing are now being prepared to enable the Public Works Department to submit an estimate for the 1992 Budget.

MADAM SPEAKER: If there are no further supplementaries we shall proceed to Question No. 134, standing in the name of the First Elected Member for Bodden Town.

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

NO. 134: Will the Honourable Member say when will the launching ramp at Frank Sound and Hirst Road (Newlands) be completed?

ANSWER: **Frank Sound:**
Government is in the process of finalising the purchase of Parcel 236 of Block 59A. Possession of the site is anticipated by the end of June. Construction work is programmed to commence in August 1991 and to be completed in November 1991. I have just received updated information on this that the purchase of this property has been finalised and that work will be proceeding shortly.

Hirst Road (Newlands):

Government is in the process of acquiring Parcel 1 of Block 27B. Possession of the site is currently estimated at the end of July 1991. Construction work is programmed to commence in September 1991 and to be completed in December 1991.

SUPPLEMENTARIES

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, very kindly, Madam Speaker.
I wonder if the Honourable Member is in a position to say whether the ramps in question will be constructed by the same tender?

HON. LINFORD A. PIERSON: No, Madam Speaker.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, will the Member say if the funds in the estimates will be sufficient for both projects, or does he expect any problems with obtaining more funds?

HON. LINFORD A. PIERSON: Madam Speaker, I am advised that the current funds should be sufficient to meet the cost of the projects.

MADAM SPEAKER: The next Question No. 135, standing in the name of the First Elected Member for Bodden Town.

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

NO. 135: Would the Honourable Member state the purpose of the Grand Cayman Road Improvement Plan Study (GRIPS) Committee?

ANSWER: The Grand Cayman Roads Improvement Plan (GRIP) Steering Committee has been appointed by the Portfolio of Communications Works and Agriculture to provide policy advice on the preparation of a plan to:

- (1) alleviate existing traffic congestion; and
- (2) ensure that the Island's road system and related facilities compliment overall development and improvement in the quality of life.

The Committee is made up of private sector representatives, Elected Officials and Public Officers. The members of the Committee are as follows:

The Honourable Norman Bodden, (TAT)
The Honourable Linford Pierson, (CW&A)
Capt. Mabry Kirkconnell, MLA
Mr. McKeeva Bush, MLA
Mr. David Arch, Chairman of Central Planning Authority
Mr. Heber Arch, Central Planning Authority
Mr. Hubert Bodden, Heavy Equipment Operators Association
Mr. Mario Ebanks, Chamber of Commerce
Mr. Arek Joseph, (CASE)
Mr. John Hurlston, Developer and Businessman
Mr. Brian Tomlinson, (CASE)

Mr. Joel Walton, Finance and Development
 Mr. Carson Ebanks, Planning Department
 Mr. Terry Fenton, Lands and Survey Department
 Mr. Donovan Ebanks, Public Works Department and his Chairman

This Committee was formed to provide as wide a cross-section of the community as possible.

Note that Members of the Legislative Assembly are also represented in this Committee as three Members from the Opposition Backbench were requested to be a part of this Committee. We are still awaiting another Member to agree to serve on this Committee.

SUPPLEMENTARIES

- MADAM SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** Thank you, Madam Speaker.
 Do the Terms of Reference of this Committee include the proposing of ways and means to raise money for road construction, etcetera?
- HON. LINFORD A. PIERSON:** The Terms of Reference will address the whole question of the development of roads in the Cayman Islands, which of necessity will have to address the financing of those roads.
- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Would the Member say if the MGTP Study was not the document which was done by experts to do the very things that the Member is saying that the GRIPS Committee is to do now?
- HON. LINFORD A. PIERSON:** Madam Speaker, if the Member had accepted the invitation from the Portfolio to serve on the Committee, he would be well aware that we are not duplicating the same ideas of the MGTP. It is a completely new study. That is not to say that some of the ideas in there, which we regard as good ones, will not be used as a guide. But, I think that the First Elected Member from West Bay can assure him that a new approach is being taken in this matter.
- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Is the Member getting the same amount of expertise from the persons appointed to this Board as he did from the persons who did the MGTP Study a few years ago?
- HON. LINFORD A. PIERSON:** Madam Speaker, if the Member is questioning whether we are using the same consultants the answer is, no. But we feel that we have sufficiently qualified people on the Committee to give the Committee the guidance that it needs. Any additional services that we may need by way of consultants will be sought at the appropriate time.
- MADAM SPEAKER:** The Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** Madam Speaker, can the Honourable Member say whether GRIPS is dealing with the potholes in George Town as well?
- HON. LINFORD A. PIERSON:** I think, Madam Speaker, that the Member is being somewhat facetious, but the question of potholes in George Town has always been an annual maintenance problem and this will continue to be the case. The Grand Cayman Road Improvements Plan Study is focussing mainly on the whole question of the road networks and corridors within the Cayman Islands. Regarding potholes, I think that I gave the Member an answer to that question here in the House already.
- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Did the GRIPS Committee take into account or look at and decide on the Jennett-L?
- HON. LINFORD A. PIERSON:** This is a separate issue from the Terms of Reference for the GRIPS Committee.
- MADAM SPEAKER:** The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN:
road improvement committee?

Is that because it is not a road improvement, because this is a

HON. LINFORD A. PIERSON:
to go into the advantages and disadvantages of the Jennett-L, which should be obvious to the Member; but, yes, it is a major road improvement.

Madam Speaker, it is a major road improvement, I do not want

MADAM SPEAKER:

I think the House has now come to full grips with the GRIPS Committee, we shall proceed to Question No. 136, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

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

NO. 136: Would the Honourable Member say how much revenue has been earned by the Planning Department since January, 1990 to date?

ANSWER: The Planning Department collected \$358,250.00 from January 1990 to 15th June, 1991, in the following categories:

Planning Fees	\$281,706.00
Electrical Fees	\$21,906.00
Plumbing Fees	\$54,638.00
Total Revenue Collected:	\$358,250.00.

SUPPLEMENTARIES

MADAM SPEAKER:
Cayman.

The Second Elected Member for Cayman Brac and Little

MR. GILBERT A. McLEAN:
plans were that it had approved in that same period of time?

Could the Member say in comparison what the value of the

HON. LINFORD A. PIERSON:
but if the Member so wishes, I could provide it for him in writing.

Madam Speaker, I do not have that information readily available,

MADAM SPEAKER:
Cayman.

The Second Elected Member for Cayman Brac and Little

MR. GILBERT A. McLEAN:
comes anywhere near meeting the operational costs of that Department?

Would the Member say if this very meagre amount of \$358,000

HON. LINFORD A. PIERSON:
really a matter of opinion, but it is perhaps a reflection of the problems that we have been through with the recession. To answer his question directly, the revenue collected by the Department covers approximately 25 per cent of the cost of operating the Department.

Madam Speaker, the phrase used "meagre amount", I think is

MADAM SPEAKER:

The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN:

Thank you, Madam Speaker.

Would the Member, perhaps when he is giving the figures from time-to-time on the revenue and the amount of approvals, also be in a position to be able to give the amount of work that has actually started?

I actually asked a question on that about a year ago and as you know, I never received an answer. I am not pressing that, I am only saying that when he does releases would he undertake - when he gives say, the revenue and the amount of planning approvals approved, to also say how many projects have started? This is a better indication of what is going on in the economy.

HON. LINFORD A. PIERSON:
give such an undertaking. Up to the first part of the year we did not have the facilities in place for this, but as from the first part of the year, we should be in a position to start providing that information.

Madam Speaker, I understand that we will shortly be able to

MADAM SPEAKER:

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:
first six months of this year compare with the revenue collected in the first six months of 1990, and the first six months of 1989?

Madam Speaker, can the Member say how this revenue for the

HON. LINFORD A. PIERSON: Madam Speaker, I had anticipated this supplementary question and requested information but unfortunately I have not yet received it. But I would be pleased to provide it to the Member in writing.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: In light of the Member's reply concerning the revenue earned by this particular Department and the fairly regular releases by the Government of the value of plans and developments approved is that part merely for the purposes of political propaganda to make the Government look good that development is going on when in reality it is not?

HON. LINFORD A. PIERSON: Madam Speaker, I can only assure the Member asking that question that this Government has from day one adopted an open-door policy and that is a part of informing the public of what is going in Government.

MADAM SPEAKER: Question No. 137, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

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

NO. 137: Would the Honourable Member say whether any businesses in central George Town have contributed to the cost of the Jennett-L; if so, which businesses and how much have they contributed; and what is the total estimated cost of creating the Jennett-L?

ANSWER: Businesses in the Jennett Street area have been consulted about contributing towards the cost of the road. As an agreement has not been finalised as yet with these businesses, the names and amounts contributed cannot be disclosed at this time. The total estimated cost of creating the Jennett-L is not currently available as the cost of land is subject to negotiation or settlement through the Assessment Committee. The cost of road construction is \$237,000.00.

SUPPLEMENTARIES

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Is it not a fact that the only people this road is to serve and will serve are the people who work in the buildings in the particular area in central George Town near the Jennett Building? And why is it that since it is serving those, it is so difficult to obtain an agreement from them to contribute anything towards putting this road in?

HON. LINFORD A. PIERSON: Madam Speaker, I am somewhat surprised to get that supplementary because it should be obvious to that Member that this road is needed and will be providing a service to the general public and not just to the people that own the buildings or work in that area. One only has to go down Jennett Street during midday or in the afternoon during peak hours and one can see the tremendous amount of congestion and problems that are being experienced there. One only has also to consider what would happen during that time if an emergency vehicle had to be moved into that area. So this is a needed facility for the country.

MADAM SPEAKER: The Elected Member for East End.

MR. JOHN B. McLEAN: Thank you, Madam Speaker.
I wonder if the Member could say what amount of the \$237,000 has been spent to date on the Jennett-L?

HON. LINFORD A. PIERSON: Madam Speaker, up to this week about \$35,000.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Thank you, Madam Speaker.
Can the Honourable Member say why he rushed on to build a road before he got the agreement with the businessmen?

HON. LINFORD A. PIERSON: Madam Speaker, I have seen this similar phrase used in a letter from his firm in representing one of the clients? But we did not rush on with anything. We followed the procedure

under the Law.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, will the Member say if it is correct that the traffic congestion on Jennett Street has been caused by the Planning Department, which gave permission for the construction of these large buildings ultra vires the Planning Law, as there was no proper access for these large buildings when they gave the permission for the construction?

HON. LINFORD A. PIERSON: Madam Speaker, I believe that the whole guide and direction of the Planning Department stems from the 1977 Development Plan, of which the Member was a part.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: I know that those guidelines have been there. What I am asking is that at the time that these new buildings were built was there sufficient access for the type of buildings that have been allowed at this late stage?

HON. LINFORD A. PIERSON: Yes, Madam Speaker, at the time. But the Member will also realise that not only is there congestion on Jennett Street but also on West Bay Road, and if we were to stop every development that has requested planning permission because of congestion, then we would be holding back the progress of the country.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member say why it is so difficult to get any agreement from the people in that area to contribute to the cost of the road and is it a fact, and does the Member know that there is no intention of these businesses to contribute towards the cost?

HON. LINFORD A. PIERSON: Madam Speaker, such a statement would be mere speculation. As I have mentioned in my substantive answer the matter is under negotiation.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Madam Speaker, would the Member say why it is necessary to drive the people out of their homes before negotiations are completed?

HON. LINFORD A. PIERSON: Madam Speaker, nobody is being driven out of their homes. Negotiations are under way and it is not the intention of my Portfolio to drive anyone out of their homes, but I would mention to the Member that we have received to date two claims for the compensation. Those two claims have been settled and we are now awaiting the final discussions with one of the other people affected. Hopefully, this will also have a very satisfactory and amicable solution.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Madam Speaker, will the Member say whether those people have been given a letter with a time frame for them to move out? And will he say whether negotiations will be completed before that time frame is up?

HON. LINFORD A. PIERSON: Madam Speaker, as mentioned earlier, we are following the procedures laid out under the Roads Law and we are attempting, in all respects, to negotiate as amicably as possible with the people affected.

MADAM SPEAKER: The next Question No. 138, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

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

NO. 138: Would the Honourable Member say what action has Government taken regarding the house numbering project pursuant to the passing of Private Member's Motion No. 3/87 on 19th February, 1987; and what action has been taken in regard to street naming?

ANSWER: Due to the increased work load in the Planning Department and shortage of staff until the latter part of 1990, the Department had to reassign priorities to its many projects. Street naming and numbering was a project which was assigned a lower priority and regrettably progress has not been as rapid as initially anticipated. Now that the Department is almost up to full staff complement, the Street Naming

and Numbering Committee has been reactivated. A meeting of the Committee is scheduled for the second week of July and it is hoped that a comprehensive report will be tabled in November 1991.

SUPPLEMENTARIES

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member say why is it so hard an undertaking to come up with a list of names for streets and to print as many numbers as might be necessary, beginning with number one, to number the houses in this country?

HON. LINFORD A. PIERSON: Madam Speaker, I did not say that it was a difficult process, I said that there were more important matters before the Planning Committee and that this particular matter was not given top priority, but I appreciate the procedures being mentioned by the Member and shall certainly consult with him during the process of doing this, as I am sure he can assist us.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, I think that there should be enough people in the Department paid to do this job that he would not need my assistance in arriving at this. But if he does then he can feel free to call upon me.

and could he say what in fact, it has cost to date?

HON. LINFORD A. PIERSON: Madam Speaker, I refer the Member back to the substantive answer to the substantive question. A meeting of the Committee is scheduled for the second week of July and it is hoped that a comprehensive report will be tabled in November 1991. I have no further information on this.

MADAM SPEAKER: Question No. 139, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

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

NO. 139: Would the Honourable Member say whether all notices required under the Roads Law have been served on the various landowners whose land and homes are being affected by the Jennett-L, and has compensation been paid to them?

ANSWER: All notices required under the Roads Law have been served on the various landowners whose land and homes are being affected by the Jennett-L. No compensation has been paid to date.

SUPPLEMENTARY

MADAM SPEAKER: If there are no supplementaries, Question No. 140, standing in the name of the Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION, ENVIRONMENT, RECREATION AND CULTURE

NO. 140: Would the Honourable Member say whether Government was approached to purchase the house of the late Dr. R.E. McTaggart on behalf of the National Trust?

ANSWER: Government was not approached to purchase the house.

SUPPLEMENTARIES

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Honourable Member say whether Government assisted with the buying of a replica house for the National Trust and why perhaps a genuine old house like this was not purchased instead, or in addition?

HON. BENSON O. EBANKS: Madam Speaker, I think that we are speaking of very much less money and it is incorrect to say that Government assisted with the purchase of a house. As I recall the incident, the property on which that building sat - that is, the one that the National Trust eventually ended up with - was purchased by someone who was going to demolish the building. Arising out of discussion between the Trust and the purchaser it was agreed that the house would be moved and put on the Trust's land by the purchaser, provided the Stamp Duty on the purchase was waived. So the value was not paid for the house, it was the Stamp Duty on the transaction for the purchase of the land.

MADAM SPEAKER: The Elected Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, I wonder if the Member could say whether or not Government assisted with the waiving of the Stamp Duty on the said house?

HON. BENSON O. EBANKS: Yes, I thought I had given that impression. We did.

MADAM SPEAKER: The next Question No. 141, standing in the name of the Elected Member for East End.

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

NO. 141: Would the Honourable Member say what steps Government and the Department of Agriculture are taking regarding the cruelty to animals of the Islands?

ANSWER: Most reported cruelty cases are related to negligence or ignorance in animal care. The Department of Agriculture works closely with the Cayman Islands Humane Society with regard to reports concerning alleged cruelty to animals. The Cayman Islands Humane Society is fortunate to have human resource personnel who engage in counselling, advisory and often relief work, in this regard. The Department endorses this activity and provides the necessary backup within the ambit of the Law.

SUPPLEMENTARIES

MADAM SPEAKER: The Elected Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, I wonder if the Member would be able to say how many cases of cruelty to animals have been reported to the Department and what action was taken by the Department?

HON. LINFORD A. PIERSON: Madam Speaker, there have been two known reports within the last three years. One report received in late 1988 involved a group of goats tied in George Town. The owner was incarcerated at Northward Prison and the person left in charge had not attended to the animals for a period of one week. That person was located and warned. No further action was taken.

The other report concerned two German Shepherd dogs again left unattended because the owner was also incarcerated in prison on a drug related charge. The animals were unattended for a period of ten days. The Humane Society retrieved the dogs from the premises and they had to be humanely destroyed. No legal action was taken as the owner was already in prison.

MADAM SPEAKER: The Elected Member for East End.

MR. JOHN B. McLEAN: I wonder if the Member could say when last has anybody in a responsible position from the Portfolio and/or Department of Agriculture driven around the Islands at various points and noticed animals that have been tied in certain areas for weeks, with rope wrapped around their legs, and/or negligence in other respects?

HON. LINFORD A. PIERSON: In our attempt to assist in a case such as this, would the Member be more specific as to any particular cases that he is aware of so that those cases could be given urgent attention.

MADAM SPEAKER: The next Question No. 142, standing in the name of the Third Elected Member for West Bay.

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 142: Would the Honourable Member say when it is expected that a copy of the preliminary report of the consultants' findings, as a result of the review of the operations of Cayman Airways Limited, will be

made available to Honourable Members of this House?

ANSWER: An interim verbal report was very recently received from the consultants. A record of that report is presently being prepared. It is expected that this will be ready for onward transmission to Honourable Members by 28th June, 1991, after which a meeting of the Select Committee will be requested to discuss the report.

SUPPLEMENTARY

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Honourable Member say when he expects the completion of the final report?

HON. W. NORMAN BODDEN: I understand from the consultants that the final report should be ready towards the end of July.

MADAM SPEAKER: The last Question No. 143, standing in the name of the Third Elected Member for West Bay.

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 143: Would the Honourable Member state whether Cayman Airways Limited has, within the past two months, leased/purchased another jet aircraft and, if the reply is in the affirmative, what routes are envisaged to be serviced by this aircraft?

ANSWER: Cayman Airways leased a Boeing 737-200 aircraft at the end of May. The aircraft was put in service on 19th June, 1991, and will be used to improve the service on existing routes. No new routes in the United States of America are envisaged to be serviced by this aircraft at this time.

SUPPLEMENTARIES

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN B. McLEAN: Supplementary, Madam Speaker. I wonder if the Member would say what the terms of this lease are with respect to time and cost?

HON. W. NORMAN BODDEN: Madam Speaker, the period of the lease is for three years. The cost of the lease I am unable to disclose that publicly. I will say that it was at a very attractive rate and I would be willing to provide to the Member, under confidential cover, the exact cost of the lease.

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN B. McLEAN: Thank you, Madam Speaker. I appreciate the undertaking by the Member. I wonder if he can confirm whether or not it is more or less than the present lease that we are paying for the present 737-400s?

HON. W. NORMAN BODDEN: I can confirm that it is substantially less.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Will the Member let us know the age of this aircraft?

HON. W. NORMAN BODDEN: Madam Speaker, it is approximately ten years old.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, on the radio and in the newspaper here in recent times, there has been much said about this aeroplane being taken on by Cayman Airways to improve the service to the Brac. Could the Member say how this information is consistent with the fact that since the aircraft has come on line the service to the Brac has been considerably reduced?

HON. W. NORMAN BODDEN: Madam Speaker, I would not say the service to the Brac has been considerably reduced since the 737-200 came on line. I would say that there was a schedule put into effect

on 18th June and the departure and arrival times are improved over what they were previously. The company is presently operating seven round-trip flights per week between the 737-200 and the 737-400 aircraft.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Is it not a fact that the frequency of flights have been reduced to the island of Cayman Brac since the third aeroplane has been in service?

HON. W. NORMAN BODDEN: Madam Speaker, there might have been a reduction of one flight, but I do not think that it was any more than that.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Could the Honourable Member say whether this ten-year old jet is about the age of the two 727-200s that were sold? Secondly, is it a lease/purchase where we are building equity as in the 727-200s, or is it a pure lease where the money is just paid out in lease payments?

HON. W. NORMAN BODDEN: Madam Speaker, I would say around the same age as the 727s and it is a straight lease. It is for three years and it is a straight lease. I might add that the lease is arranged in such a way that it can be re-assigned or sub-let.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member say under whose instructions, or under what advice was a third aeroplane taken on by Cayman Airways, seeing the serious financial losses that it has been suffering? And is there any indication from the study now in progress that that was a wise thing to do?

HON. W. NORMAN BODDEN: Madam Speaker, the proposal for the introduction of a third jet was a decision, or a recommendation made by the Board of Cayman Airways with the Portfolio supporting that decision. Because of the attractive lease cost of this third aircraft, the company is able to offer a schedule of more attractive times which should enable the company to attract a greater share of the market.

MADAM SPEAKER: Eleven o'clock has now been reached. That concludes Question Time for this morning. We will suspend for 15 minutes.

AT 11:04 A.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 11:28 A.M.

MADAM SPEAKER: Please be seated. Proceedings are resumed. Government Business - Bills, First and Second Readings.

GOVERNMENT BUSINESS

BILLS

FIRST AND SECOND READINGS

THE EXEMPTED LIMITED PARTNERSHIP BILL, 1991

CLERK: THE EXEMPTED LIMITED PARTNERSHIP BILL, 1991

MADAM SPEAKER: The Exempted Limited Partnership Bill, 1991, is deemed to have been read a first time and is set down for Second Reading.

CLERK: THE EXEMPTED LIMITED PARTNERSHIP BILL, 1991

HON. THOMAS C. JEFFERSON: Madam Speaker, I beg to move the Second Reading of a Bill entitled A Bill For A Law To Establish The Exempted Limited Partnership. Before I get to the Memorandum of Objects and Reasons, may I begin by saying that there are presently two pieces of legislation dealing with partnerships. One being the Limited Partnership Law, (Revised), which was consolidated in 1968 and revised back in 1968 and The Partnerships Law, 1983 which is Law 26 of 1983.

The Limited Partnership Law referred to earlier is for local limited partnerships. Today we are not dealing with local partnerships at all. The Exempted Limited Partnership Bill seeks to enable provisions concerning the establishment and operation of a limited partnerships whose business is exterior to the Islands. The new vehicle - we use the word "vehicle" in terms of it being attractive to investors in the Cayman Islands - is to be known as the Exempted Limited Partnership and is broadly analogous to an Exempted

Company under the Companies Law (Revised).

This Bill has been in the drafting stages for a number of years. It has been put to various Societies, including the Law Society and many other Associations or Societies within the financial community. It has also been vetted by major United States law firms in terms of its tax provisions, such as Sidley and Austin, Brown and Wood, Cahill Gordon and Reindel, Coudert Brothers of United States, Debevoise and Plimpton and Simmons and Simmons from London, so that we have gotten a wide cross-section of input in putting together the present Bill which is before this Honourable House.

In addition to that Madam Speaker, the draft Bill which is before us was also put before the Private Sector Consultative Committee which has assisted me so ably over the years, and their view is that this piece of legislation has their support.

As mentioned earlier, this legislation has been moving around the financial industry for approximately three years. It has now become urgent that we place this piece of legislation before this Honourable House.

It was approximately one month ago that the Ministry of International Trade and Industry in Japan issued a statement that future funds established in foreign jurisdictions for investment by Japanese institutions must have within its provisions redemption of interest during the life of the fund. Because of this we have pushed for this Bill to be before the House because this country stands to lose a significant amount of business if we do not get an urgent decision and hopefully, a positive decision.

The Partnership Law, 1983 which I mentioned being the other Law, does not have these provisions which allow for the redemption of interest among attractive features which are in the present Bill before this Honourable House.

The Bill, in clause 1 shall come into force on such day as the Governor, by notice published in the Gazette, appoint.

In clause 2, which deals with definitions, refers to the Companies Law, meaning the Companies Law (Revised), as amended from time to time. And the word "contributions" means such cash, property or other assets which a partner contributes to the capital of an exempted limited partnership (but shall not include any moneys lent by a partner to an exempted limited partnership). The word "court" means the Grand Court of this country. "Exempted limited partnership" means a limited partnership registered under section 9(1) of this Law - we will get to that in a little while; a "general partner" means a person who is named as such in the statement filed pursuant to section 9 of this Law and if more than one, shall mean each general partner; "Governor" means the governor in Council; "insolvency of the exempted limited partnership" means that the general partner is unable to pay the debts and obligations of the exempted limited partnership (otherwise than in respect of liabilities to partners on account of their partnership interest) in the ordinary course of business as they fall due out of the assets of the exempted limited partnership; "limited partner" means a person who has become a limited partner in accordance with section 4(2) of this Law - and we will get to that in a minute - and if more than one shall mean each limited partner; "partner" means a limited partner or a general partner. It goes on to define partnership agreements, partnership interests, the public in the Cayman Islands and the "Registrar" means the Registrar of Exempted Limited Partnerships appointed pursuant to section 8, which we will come to.

The Constitution of a partnership, in an exempted limited partnership may be formed for any lawful purpose or purposes to be carried out and undertaken either in or from within the Islands or elsewhere upon the terms, with the rights and powers, and subject to the conditions, limitation, restrictions, and liabilities herein mentioned. Clause 4 goes on to say that provided that such exempted limited partnership shall not undertake business with the public in the Cayman Islands other than so far as may be necessary for the carrying on of the business of that exempted limited partnership exterior to the Islands. In other words they could set up their own office and staff it provided that their business is catering to persons outside the Islands.

An exempted limited partnership shall consist of one or more persons called general partners and a general partner shall act at all times in good faith in the interest of the exempted limited partnership.

Any one or more of the limited partners and general partners of an exempted limited partnership may be resident, domiciled, established, incorporated or registered pursuant to the laws of these Islands or outside of the Islands provided that at least one general partner, (a) if an individual be resident, (b) if a company be registered under the Companies Law or registered pursuant to Part VIII of the Companies Law.

Clause 5 deals with the establishment. It says that no partnership limited or otherwise shall be an exempted limited partnership unless registered as such in accordance with section 9(1) of this Law. Section 9(1) stipulates the process of registration. Each limited partnership shall have a name which shall include the words "Limited Partnership" or the letters "L.P." Clause 5 also provides that no partnership can be an exempted partnership unless registered as such.

Clause 6 deals with the name under which it carries on business.

Clause 7 which deals with modification of general Law. It more or less states that the limited partnership shall not take part in the conduct of the business of an exempted limited partnership and letters, contracts, deeds, instruments of documents whatsoever shall be entered into by the general partner on behalf of the limited partnership. So it is the general partner who is conducting the business of a limited partnership.

Clause 8 states that the Registrar of Companies appointed under the Companies Law, (Revised), shall be the Registrar of Exempted Limited Partnerships.

Clause 9 which deals with registration sets out the particulars required when the application is made by the exempted limited partnership for registration purposes. It should specify the name of the exempted limited partnership; the general purpose of the business of that partnership; the address in the Cayman Islands of the registered office; the term, if any, for which the exempted limited partnership is entered into or if for unlimited duration a statement to that effect and the date of its commencement; the full name and address of the general partner and a declaration that the exempted limited partnership shall not undertake business with the public in the Cayman Islands. Clause 9 subsection (2) The Registrar shall maintain a record of each exempted limited partnership registered under this Law and all the statements filed in relation to it.

Clause 10 deals with changes in the registered particulars, that is if there is any change in the particulars which were put forward under the clause just read, that is 9 (1) and (2), that change must be notified within 60 days and be filed with the Registrar of Exempted Limited Partnerships, who we know is the Registrar of Companies.

Clause 11 provides for a register of the partnership interest to be maintained at the registered office. This is a register which shall be maintained by the general partner in writing on one or more sheets giving the name and address, amount and date of the contribution or contributions of each partner and the amount and date of any payment representing a return of any part of the contribution of any partner which register shall be updated within twenty-one business days of any change in the particulars therein.

Section 12 deals with the right to account. It is dealing with the limited partners right for information. The exempted limited partnership is run by the general partner with the limited partner having the right to have a look at all the information being kept by the general partner.

Under clause 14 of the Bill, this is the clause which allows redemption of interest in the partnership. It says a limited partner shall not, on dissolution or otherwise, receive out of the capital of the exempted limited partnership a payment representing a return of any part of his contribution to the partnership unless at the time of and immediately following such payment the exempted limited partnership is solvent. So there is a provision which secures and protects the creditor, that even though clause 14 allows the redemption of interest, having made that payment to the partner, six months from the date of that receipt it may be recalled from the partner if the partnership is in any difficulty. That is it is deemed not to be able to pay all of its bills.

Section 15 deals with dissolution of the partnership. It says that an exempted limited partnership shall not be dissolved by an act of the partners until a notice of dissolution signed by a general partner has been filed with the Registrar of Exempted Limited Partnership.

Clause 15(2) speaks to the application by a partner or a creditor to the court, and the court having the power to make a decree of dissolution.

In Clause 15(3), notwithstanding the point that we have just made, the death, the insanity, the retirement, bankruptcy, commencement of liquidation proceedings, resignation, insolvency or dissolution of the sole or last remaining general partner shall cause the immediate dissolution of the exempted limited partnership which shall forthwith be wound up in accordance with the provisions of the partnership agreement or such orders as the court may decree pursuant to subsection (2) of this subsection - which I read earlier - provided that if within ninety days of such date of dissolution the limited partners unanimously elect one or more new general partners the business of the exempted limited partnership it then would not be required to be wound up but may assume and continue as provided for in the partnership agreement. So that the death of the general partner does not ultimately cause dissolution, the death of the limited partner does not cause dissolution of the partnership. The caveat is that if the general partner dies then in order to keep the partnership ongoing, the limited partners shall elect a general partner and provided that is done the partnership may continue.

Just pointing to clause 7, subsection (6)(a)(iii), where it says that:-

"an exempted limited partnership shall not be terminated or dissolved by the death or bankruptcy or dissolution or winding up of a limited partner."

Moving on to clause 16 dealing with Inspections.

(16)(1) "Any person may require a certified copy of the certificate of registration, a certificate of good standing or a copy of or extract from any registered statement filed in relation to the exempted limited partnership to be certified as a true copy by the Registrar on payment of such fees as the Governor may from time to time by regulation prescribe."

Under section 17 the exempted limited partnership may apply to the Governor for a tax exemption or tax undertaking in respect of the business of the exempted limited partnership. That particular clause reads:-

17(1) "The Governor may, on application by a general partner, give an undertaking in respect of any exempted limited partnership that no Law which is hereafter enacted in the Islands imposing any tax to be levied on profits or income or gains or appreciations shall apply to such exempted limited partnership or to any partner thereof in respect of the operations or assets of such exempted limited partnership or the partnership interest of a partner therein.

17(2) Any undertaking given under subsection (1) of this section may provide, in addition, that the aforesaid taxes and any tax in the nature of estate duty or inheritance tax shall not be payable in

respect of the obligations of the exempted limited partnership or the interests of the partners therein."

And the undertaking shall not exceed fifty years.

Clause 18 deals with the making of Regulations prescribing the duties to be performed by the Registrar. The forms to be used for the purposes of this Law; the fees payable to the Registrar in respect of filings or certifications or otherwise; and generally, the conduct and regulation of registration under this Law and any matters incidental thereto.

Clause 19 speaks to the annual returns which shall be made on the 31st day of January of each year and filed with the Registrar. A return signed by or on behalf of a general partner certifying that the exempted limited partnership has during the prior calendar year complied with the section 10(1) of this Law. Section 10(1), as we heard earlier, deals with changes in registered particulars. And that there has been no breach of the declaration given in accordance with section 9(1)(f), which is the declaration that the exempted limited partnership shall not undertake business with the public in the Cayman Islands, and to pay to the Registrar an annual fee of such amount as the Governor shall from time to time by regulations prescribe.

Clause 20 deals with transaction between the partners and the partnership.

Clause 21 contains provisions allowing existing limited partnerships to re-register under these new provisions.

Clause 22 provides that a company acting as a general partner does not by reason of that alone require certain licence.

Madam Speaker, I believe that it is also proper for me to point out that this Bill does not have a clause that repeals the Partnership Law, 1983. While legislatively we could grandfather all of the partnerships presently registered under the present Law, it is likely that if we took that approach we may create some amount, or maybe huge difficulty, and a better approach - I believe - is to leave both Laws on the books, thus allowing the partnerships presently registered to apply and be registered under this new Bill, if they so wish.

So we are leaving flexibility for each partnership to decide whether it remains under the present Law or under the Bill when it becomes Law.

As I said earlier, I believe that is the better approach. The present Partnership Law, 1983 does not have the flexibility as regards its dissolution provisions, because under section 34 dissolution by bankruptcy, death or charge, subject to any agreement between the partners, every partnership is dissolved as regards all partners by the death or bankruptcy of any partner. And a partnership may at the option of the other partners be dissolved if any partner suffers his share of the partnership property to be charged under this Law for his separate debt. In other words, if under the present Law any one of the partners dies, the partnership according to my interpretation, must be dissolved.

I believe the features which are in the present Bill will become in addition to the redemption of interest, attractive to the outside world who are seeking to establish such partnerships. I know that there is much interest by law firms in the United States, as well as in Japan as to what stage this present Bill is at because their clients, if they are Japanese investors, have to respond quickly to the requirements of the Ministry of International Trade and Industry.

I have received a number of faxed messages from many of those firms and I am pleased to recommend this Bill, as I believe that it is in the best interest of the Cayman Islands.

MADAM SPEAKER:

The Third Elected Member for West Bay.

MR. JOHN B. McLEAN:

Thank you, Madam Speaker.

I rise to offer my support to the Bill presently before the House, entitled A Law To Establish The Exempted Limited Partnership.

Madam Speaker, I think that it is important for us to be cognisant at all times as to what our competitors are doing to attract business to their respective jurisdictions. We here in the Cayman Islands have grown and have become known as one of the leading financial centres in the world and I think that we have to guard this position very aggressively because there are other jurisdictions who are out there now vying for some of the business.

From the presentation it can be seen that this proposed legislation has been widely circulated in the financial community and has the support of these respective entities and businesses. In addition to that, input has been gained from attorneys in the United States and London and from all indications it appears that the Bill before this House this morning is what they support, and is as a result of that consultation. They are satisfied with the objectives and provisions of this Bill.

I think it is important for us to continue to be creative and flexible with regards to the business environment in which we operate, because it is amazing the number of different services that clients, especially from the outside who do operate or reside in tax jurisdictions, find themselves in need of. If we are flexible in identifying those services and creative enough to find some way legally - and I want to make it abundantly clear that we are not in any position, nor do we have any desire to attract any business which is not legitimate - then we will continue to grow and enjoy the position that we have as a leading financial centre.

The position that we enjoy today did not just happen, there are reasons for it. Some of those reasons are, the high level of services which are available in the Cayman Islands; the high degree of expertise and professionalism; and the fact that we have a clean business environment here which is

guarded very aggressively by all parties involved. Everyone appreciates the fact that if we can keep out the undesirables, then we will continue to attract the right calibre of business in this country. One other great advantage that we have here is that we have always enjoyed the reputation of political stability. I do not think that we in this country can ever become complacent and not be aware of what is needed here by way of services, because I can assure you that if we are not in a position to provide those services here, they will go elsewhere, at our expense.

Madam Speaker, I commend the mover and would like to advise that he has my support on this very important piece of legislation.

Thank you.

MADAM SPEAKER:

The First Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Madam Speaker, I rise briefly in support of this Bill before the House. I remember that as late as 1986, we were not charging fees on partnerships, and in 1986 I moved a resolution asking Government to make Regulations providing for registration and annual fees to be paid. I understand that in 1990, there were 38 registered, bringing in over \$63,000. For 1990 there are already 16 with \$49,000 in the kitty. I am glad to see that this is another route which will hopefully help the coffers of the Cayman Islands and I offer my support to it.

I thought I would just remind the House about the motion in 1986, since it is often said that I do not do anything right.

MADAM SPEAKER:

The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN:

Madam Speaker, I rise to support this Bill. It is good to see Bills coming before this House to continue to develop the offshore business, which I think we can assure ourselves is one of the best and most advanced of the offshore industries that exists in the world. We are obviously in the forefront in banking and insurance, but I am not exactly certain of where we are with the shipping at present, that is new. But here we have a new innovation and one in which we are able to see an expansion of a good thing.

The concept of the Limited Partnership Bill follows closely on the very successful concept of the Limited Companies Law which we were one of the early users, and perhaps inventors of sections of it. We also had the Exempted Trust Law which survived for a fairly long period, but is used somewhat less these days.

Normally with the exempted legal entities, in the case of companies at least, we have the concept of a guarantee against tax, an undertaking given by the Government that it will not in future (normally a period of 20 years) put taxes on the income and other forms of revenue, as set out specifically in the tax undertakings. The second concept is that normally there is flexibility with the exempted partnership, company or trust, which does not exist in the normal partnership. So with the tax undertaking comes specific flexibility on the basis that neither of the exempted legal entities (in this case the exempted partnership) will actually be doing business within the Cayman Islands.

On the basis of the Statutory Declaration given by the promoters and the people who continue with these exempted entities, we have going with it an assurance that despite the flexibility the public here normally would not be involved with it, except to a very limited extent. This Exempted Partnership Law carries with it the usual clause that the "exempted limited partnership shall not undertake business with the public in the Cayman Islands other than so far as may be necessary to the carrying on of the business of that exempted limited partnership exterior to the Islands". That is similar to the type of undertaking that is given in the other entities. The attractiveness, I understand, of this is the fact that the partnership will be able to make a return of contributions as set out, read and quite clearly put in detail by the Honourable First Official Member.

Normally the attractiveness of getting into a market means that the Government has to move quickly because sometimes the advantages may be short-term or may not be around year after year, and I think that the Government has taken the right approach by moving at an early stage and getting our foot in the door before too many of the other countries see the advantage and do so.

The flexibility that has been given to the exempted partnership, I think is good and it is bound to assist considerably in the operation of these partnerships from time to time. The advantage to Cayman naturally, will be that there will be a payment of fees and normally if it follows the trust and the exempted company, the fees will be slightly more than the fees that the normal exempted trust or company would pay. With it naturally, goes the assurance of the tax undertaking which is given by the Governor in Council.

So it is attractive and hopefully in the areas of Japan and elsewhere where this can be used and its a full legal means of use, that we will see more business coming here, there will not only what Government receives in fees, but other benefits as well. There will some employment - be it limited, but the trust companies or other companies that manage and deal with this sort of thing, as well as accountants, lawyers, and others in the offshore business, will receive some benefits.

I would congratulate the Honourable First Official Member in moving this forward, and in seeing an opportunity to build upon what he has now built into an extremely good thing within the offshore business - as I mentioned earlier, putting us really in the forefront now with banks, trust companies, insurance companies, and now with this innovative Law, in the limited partnership.

Thank you.

MADAM SPEAKER:

If no other Member wishes to speak, I shall put the question. Sorry, would you like to reply, Honourable Member?

HON. THOMAS C. JEFFERSON:
support and contribution.

Madam Speaker, only briefly to say thanks to Members for their

MADAM SPEAKER:
Aye...Those against No.

Thank you. I shall put the question. Those in favour please say

AYES.

MADAM SPEAKER:

The Ayes have it.

AGREED. THE EXEMPTED LIMITED PARTNERSHIP BILL, 1991, GIVEN A SECOND READING.

MADAM SPEAKER: The House will now go into Committee to consider the Exempted Limited Partnership Bill, 1991, together with the Pensions (Amendment) Bill, 1991.

HOUSE IN COMMITTEE - 12:20 P.M.

COMMITTEE ON BILLS

MADAM CHAIRMAN:

Please be seated.

The House is now in Committee. The Exempted Limited Partnership Bill, 1991, and as is customary it is assumed the House will agree that if there are any typographical or other errors, the Honourable Second Official Member will correct these.

THE EXEMPTED LIMITED PARTNERSHIP BILL, 1991

CLERK: THE EXEMPTED LIMITED PARTNERSHIP BILL, 1991

- CLAUSE 1: SHORT TITLE.
- CLAUSE 2: DEFINITIONS.
- CLAUSE 3: SAVINGS OF RULES OF EQUITY AND COMMON LAW.
- CLAUSE 4: CONSTITUTION.
- CLAUSE 5: ESTABLISHMENT.
- CLAUSE 6: NAME AND REGISTERED OFFICE.
- CLAUSE 7: MODIFICATION OF GENERAL LAW.
- CLAUSE 8: REGISTRAR.
- CLAUSE 9: REGISTRATION.
- CLAUSE 10: CHANGES IN REGISTERED PARTICULARS.
- CLAUSE 11: REGISTER OF LIMITED PARTNERSHIP INTERESTS.
- CLAUSE 12: RIGHT TO ACCOUNT.
- CLAUSE 13: PROCEEDINGS.
- CLAUSE 14: RETURN OF CONTRIBUTIONS.
- CLAUSE 15: DISSOLUTION.
- CLAUSE 16: INSPECTION.
- CLAUSE 17: TAX UNDERTAKING.
- CLAUSE 18: REGULATIONS.
- CLAUSE 19: ANNUAL RETURN.
- CLAUSE 20: TRANSACTIONS WITH THE EXEMPTED LIMITED PARTNERSHIP.
- CLAUSE 21: RE-REGISTRATION.
- CLAUSE 22: WHEN LICENCE NOT REQUIRED.

MADAM CHAIRMAN: The question is that clauses 1 through 22 do stand part of the Bill. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM CHAIRMAN:

The Ayes have it.

CLAUSES 1 THROUGH 22 PASSED.

CLERK: A Bill for a Law to Establish the Exempted Limited Partnership.

MADAM CHAIRMAN: The question is that the title do stand part of the Bill. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM CHAIRMAN:

The Ayes have it.

TITLE PASSED.

MADAM CHAIRMAN: That concludes consideration of the Exempted Limited Partnership Bill, 1991. The House will deal with the Pensions (Amendment) Bill, 1991.

THE PENSIONS (AMENDMENT) BILL, 1991

CLERK: THE PENSIONS (AMENDMENT) BILL, 1991

CLAUSE 1: SHORT TITLE AND COMMENCEMENT.
 CLAUSE 2: AMENDMENT OF SECTION 2 OF CAP.121.
 CLAUSE 3: INSERTION OF NEW SECTIONS 3B TO 3I.
 CLAUSE 4: AMENDMENT OF SECTION 4.
 CLAUSE 5: ADDITION OF SECOND AND THIRD SCHEDULES.

MADAM CHAIRMAN: The question is that clauses 2 through 5 do stand part of the Bill. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM CHAIRMAN: The Ayes have it.

CLAUSES 1 THROUGH 5 PASSED.

CLERK: A Bill for a Law to make provisions for a system providing pecuniary payments by way of retirement pensions and other benefits to persons entitled thereto under the law and for other matters related thereto or connected therewith.

MADAM CHAIRMAN: The question is that the Title do stand part of the Bill. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM CHAIRMAN: The Ayes have it.

TITLE PASSED.

MADAM CHAIRMAN: That concludes consideration of the Exempted Limited Partnership Bill, 1991 and the Pensions (Amendment) Bill in Committee. The House will resume.

HOUSE RESUMED - 12:25 P.M

REPORTS THEREON

THE EXEMPTED LIMITED PARTNERSHIP BILL, 1991

MADAM SPEAKER: Proceedings are resumed.
Reports.

CLERK: THE EXEMPTED LIMITED PARTNERSHIP BILL, 1991

HON. THOMAS C. JEFFERSON: Madam Speaker, I have to report that a Bill entitled A Bill For A Law To Establish The Exempted Limited Partnership was considered by a Committee of the whole House and passed without amendment.

MADAM SPEAKER: The Bill is accordingly set down for Third Reading.

THE PENSIONS (AMENDMENT) BILL, 1991

CLERK: THE PENSIONS (AMENDMENT) BILL, 1991

HON. THOMAS C. JEFFERSON: I have to report that a Bill shortly entitled A Bill For A Law To Amend The Pensions Law (Cap. 121) was considered by a Committee of the whole House and passed without amendment.

MADAM SPEAKER: The Bill is accordingly set down for Third Reading.

THIRD READING

MADAM SPEAKER: I assume you will have to have suspension of Standing Orders to do the Third Reading of the Exempted Limited Partnership Bill, although it is not down here. Would you move the Third Reading for the Pensions Bill then.

THE PENSIONS (AMENDMENT) BILL, 1991

HON. THOMAS C. JEFFERSON: Madam Speaker, I beg to move that a Bill shortly entitled The Pension (Amendment) Bill, 1991, be given a third reading and passed.

MADAM SPEAKER: The question is that a Bill entitled The Pension (Amendment) Bill, 1991, be given a third reading and passed. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM SPEAKER: The Ayes have it.

AGREED. THE PENSIONS (AMENDMENT) BILL, 1991, GIVEN A THIRD READING AND PASSED.

FIRST READING

MADAM SPEAKER: First Reading.

THE HEALTH SERVICES AUTHORITY BILL, 1991

CLERK: THE HEALTH SERVICES AUTHORITY BILL, 1991

MADAM SPEAKER: The Bill is accordingly deemed to have been read a first time and is set down for Second Reading.

SECOND READINGS

MADAM SPEAKER: Second Readings.

THE INSTITUTE OF CAYMANIAN HERITAGE BILL, 1991

CLERK: THE INSTITUTE OF CAYMANIAN HERITAGE BILL, 1991

HON. BENSON O. EBANKS: Madam Speaker, I beg to move the second reading of a Bill entitled A Bill For A Law To Make Provision For The Establishment Of An Institute Of Caymanian Heritage, Comprising The National Archive, The National Museum And The National Library, Which Will Serve As An Organisation For The Collection And Preservation Of Items Relevant To Caymanian Heritage And Culture, For The Management Of Government Records, And For Matters Connected With The Foregoing And Incidental Thereto.

As Honourable Members are aware, there has been an upswing in recent years in public concern about the need to secure and preserve Caymanian heritage. The Institute of Caymanian Heritage Bill is in large part an initiative intended to respond to such concerns. It also, however, seeks to set in place machinery to more effectively manage the increasing mass and complexity of Government records.

The proposed Institute would be established as a body corporate administered by a Council consisting of three parts: the National Archive, the National Museum, and the National Library. The first and second of these are existing services which do not, however, have the clear and succinct terms of reference afforded them through this Bill, neither do the present Archive and Records Office have legislative backing for their operation which is ultimately necessary.

The Museum presently functions under the authority of the Museum Law, 1991, which will be repealed and replaced by the relevant provisions of this Bill. There is presently no provision for the proposed National Library functions which are becoming increasingly important from the point of view of assembling a central and comprehensive reference collection of works published in, or about the Cayman Islands, or by Caymanians. The National Library would not, however, be immediately activated as an entity in its own right, pending provision of appropriate facilities and personnel.

The Bill is plainly based on a perceived linkage between the three constituent parts of the proposed Institute which it is hoped will generate more cohesive activities in the area of heritage. It is also felt that the Bill would have the added benefit of simplifying to a significant degree the relationship between Government and these bodies, by virtue of the proposal to make them jointly accountable through a single Management Council. The Institute of Caymanian Heritage Bill would complete the laying of a foundation for action on preserving Caymanian heritage placed alongside the Cayman National Cultural Foundation Law and the National Trust of the Cayman Islands.

Madam Speaker, section 2 of the Bill is the normal interpretation clause to be found in Bills. Part II establishes the Institute with its three component parts and gives the functions of the institute. Part III, section 4, establishes the Council which is the administering body of the institute. The Council is comprised as in the first Schedule, namely:

- "(i) not more than two representatives recommended by the Member charged with responsibility for culture;
- (ii) not less than four nor more than six public officers, each with special interest or expertise in one or more of the fields of education, culture, history, or natural resources;
- (iii) not less than four nor more than six members of the general public who have an interest in the work of the Institute, selected from a list of such persons provided by the Directors of the three divisions of the Institute;"

The Directors of the National Museum, the National Archive, and the National Library, or their designated representatives are Ex Officio members of the Council.

Clause 5 outlines the functions of the Council which briefly are: to direct and manage the affairs of the Institute; to establish policy regarding the operations of the Institute generally, and for each of its constituent divisions specifically. It outlines how staff are appointed, mandates that accounts are to be kept and audited annually by the Auditor General and that those audited accounts be laid on the table of this House.

Clause 6 deals with the vesting of property and states that any property now vested in the Museum would be vested in the Institute on the coming into effect of this Law.

Part IV and section 8 deals with the establishment of the National Archive section of the Institute and goes on to deal with the appointment of the Director of the Archive. Section 9 lays out the functions of the National Archive. It indicates that the National Archive in addition to its other functions would provide a Record Management Service to the Government and also that there will be a Records Advisory Committee to advise on that service. In fact there will be three Advisory Committees, one to be known as the Records Advisory Committee, one to be known as the Courts Records Advisory Committee, and one to be known as the Legislative Records Committee.

In addition section 13 gives detail as to the service to be provided generally by the National Archive;

"13(a) to preserve and maintain those government records of the executive branch of the Government of the Islands which the Records Advisory Committee has adjudged to be of archival value, and to make them available to the public after appropriate periods of closure as determined by the Committee;"

To preserve and maintain those records of the courts and of the Legislative Assembly and, of course, to preserve them and to make them available to the public after the appropriate closures as determined by the respective committees.

"(e) to identify and, where possible, acquire archives from non-government sources in the Islands, or where appropriate, copies of such archives, owned by individuals, civic groups, commercial, ecclesiastical or other organisations; and to accept such archives on gift or deposit, at the discretion of the Director of the National Archive, on those terms and conditions which may be agreed between him and the donor or depositor, as the case may be;

(f) to identify archives held overseas which are of relevance to the Islands, and to acquire them, or copies of them, in any appropriate medium;

(g) to arrange, describe, index, store and conserve all holdings of the National Archive to professionally recognised standards of archival supervision;"

It goes on, Madam Speaker, to indicate the research provisions that the Archives would make.

Section 14 gives the terms and conditions under which access can be had to Government records. Section 15 deals with the validity of records and certification, specifically section 15 provides that once a copy has been certified as true and authentic by the director of the National Archive or by any member of the staff of the National Archive authorised by the Director and has affixed thereto the seal of the Institute, shall be admissible in evidence as if it were the original. Section 16 deals again, with conditions embargoing the reproduction of records to which someone has been given access.

Part V and section 17, establishes the National Museum, section 18 deals with the appointment of its Director and section 19 outlines the purposes of the National Museum; to establish for posterity a collection of material evidence concerning man and his environment, with primary but not exclusive reference to the Cayman Islands and to arouse public interest in Caymanian heritage and, through proper use of the collection, to increase knowledge and appreciation of, and respect for Caymanian heritage. Section 20 gives the functions of the National Museum.

Part VI, section 22 deals with the establishment of the National

Library and here of course I would like to point out that we are not talking about the Public Library but a National Reference Library to known as the Cayman Islands National Library; a non-circulating research library. Section 23 lays out again, the broad functions of the National Library.

Part VII, section 25 of the Bill gives power for items to be declared of National Importance.

"25(1) The Director of any division of the Institute may nominate any item within the purview of that division to be an item of National Importance; and the Council shall have the power to declare any such item to be of National Importance, according to criteria and procedures recommended by the Council and contained in regulations made under section 29."

Of course the owner of such item so declared under subsection (2) of section 25, has the right within 30 days of the making of the order to request the Council to reconsider its decision. The Council shall do so with the owner having the right of audience before the Council. If the owner is still dissatisfied with the ruling of the Council he then, under subsection (4), has a further appeal to the Governor against the decision of the Council. A record shall be kept of all items declared to be of National Importance.

Section 26 deals with the conditions of use of premises of the Institute or of its divisions. Section 27 excludes the Institute from the payment of import duties on anything imported or taken out of bond for the Institute. Section 28 deals with fees which may be charged by the National Library and the National Archive. Section 29 gives to the Governor the power to make regulations providing for specific things and in general the better carrying into effect of this Law. Section 30 deals with offences. Section 31 repeals the Museum Law, 1979, and restates that nothing in this Law shall affect or derogate from the Public Library Law (Revised).

The balance of the Law basically deals with the Schedules and how the Council would conduct its affairs. Madam Speaker, it is a straight-forward Bill and I hope that Members support this Bill. I commend it certainly for their support.

Thank you.

MADAM SPEAKER:
suspend proceedings until 2:15 p.m.

The motion is now open for debate but at this time I will

AT 12:45 P.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 2:24 P.M.

MADAM SPEAKER:

Please be seated.

Proceedings are resumed. Second Reading debate on the Institute of Caymanian Heritage Bill, 1991. The Third Elected Member for George Town

MR. TRUMAN M. BODDEN:

Madam Speaker, this Bill which establishes the Cayman Heritage Institute is a Bill that I am happy to support. As the Member for Education has pointed out, it is going to pull together within the Institute three very important branches of culture and education in the Cayman Islands; the National Archive, the National Museum and the National Library.

The Bill itself is one that appears to me to be well put together, so to speak, in that it is going to bring in these divisions under one Head. But it seems to me that it is doing it in such a way that it will enhance these three different divisions.

I agree fully that the heritage of Caymanians is very important and we have to do everything that we can to attempt to preserve relics of the past, the ways of life of the past which are good. This naturally has to be balanced against the fact that life has to go on, and it must be weighed against that in such a manner that whatever is done is not inequitable, or harmful to people generally. Sometimes, I guess, you can get people that become very over-enthusiastic and they do not necessarily see both sides.

The National Archive, I am very happy to say, is well on its way to being developed into a functional Archive. It takes a lot of effort and hard work to do this, but it is something that I think is long overdue and we have to make sure that the selection process from here on in is dealt with in such a way that, unlike the past, we do not lose many of the national treasures that exist. It is never easy to deal with archives, in fact, archives to the commercial business in this country have become a considerable problem from the point of view of the limits to which they may have to be kept and before they can be destroyed. In fact, I am sure that there are tons of paper sitting in the archives of banks, of attorneys, architects, builders, etcetera. I see that in this, however, the three respective committees, such as the Courts Records Committee and the Committee relating to the Legislature, do have power to destroy certain records after a period of time. So once what is defined as vital records is preserved, this is what is necessary.

I merely throw in the fact that there are other necessary archives in commercial businesses that perhaps sometimes Government should look at attempting to put a period of time for the destruction of at least a part of those. Having said that it is so important that those that we do have and we have preserved, I understand, a considerable amount of ancient documents and artifacts, that these are now properly labelled and properly stored. Hopefully, once the system gets more settled, the public will have the usual access to these as they have in other countries.

I would have been happier seeing the power to deal with land and leases - the disposal of properties specifically - to be subject to the Legislative Assembly, rather than leaving it

necessarily to Executive Council. Usually, it is property of this sort that is somewhat nearer to the hearts of the public and thus the Legislature could well be a wider representative in that respect. That is actually set out in section 3(6).

So I welcome the National Archive and I wish them every success. The National Museum has kicked off to a success, thanks to the many efforts of Mr. Jim Bodden to preserve what now are some of the major exhibits and/or possessions of the National Museum. That is well-housed, it is properly run and I believe that it is only a matter of time now before they will be building onto it. The National Library is, perhaps in terms of reality, where the next generation of this country is going to go as opposed to the Museum and the Archives that deal with past generations. The National Library deals with the future generations of this country.

We all know that knowledge is not only power and success but it is one thing which determines and shapes the future of the country. If there is one piece of advice that I would always give to children and young persons it is to read and study as much as they possibly can. With a well-developed library, and I believe the day must come when that library has to be re-housed (at least the George Town library which I am referring to now) in a custom-built and larger premises. I also feel that libraries in other districts should be improved. It is really only with the use of libraries that we can really see the results of the development of young minds and also the education of older minds. I believe fully in libraries - and I have thousands of books in my own law library. It is a very expensive process I must say, but it is something that is necessary. So I support any effort to upgrade the libraries.

I have been assured that under section 25, where the Director of an Institute has the power to nominate any item within the purview of that division, as the Member dealt with in some detail, that is has the power, after the rights set out there, of appealing within 30 days for reconsideration of the declaration of that item. This will naturally relate to items that fall, as it says, within the purview of that division and really, in effect does not mean a wide acquisition power is being put in the hands of the Institute.

Sometimes people do have things that have been handed down over the years and they may well be reluctant for personal reasons to let them go. I believe that the Institute should also look, when nominating items, at the real necessity of them when they go to use this section because no acquisition, as we know with roads especially, or land, comes about very easily with people. However, the section is there and it may well be that there are very important items that need to be preserved.

There is one item that I wish somebody in Government would try to do something with, and that is the Goldfield, as she sits nearly submerged in North Sound. I have asked on other occasions, I know that this was a private effort, whether Government is not prepared to try to assist in perhaps lifting her and putting her on land somewhere, which to me would be somewhat better than not having her at all, as the present situation is. I just say this, I went to Greenwich, England and saw the Cutty Sark on land in cement and it was well done and put together; it was quite an attraction and I believe that something similar could be done with the Goldfield.

I am never too happy with a lot of Regulation powers. I would prefer sometimes to see more being put into the Law or Regulations annexed as I for example, did with the Education Law some years ago, but in this Law at least, the majority or the meat of it, the Member for Education has set out most of what needs to be set out.

I was a little worried with just one section, section 30(2) which deals with specific criminal offences under this Law. I wondered whether that may not have been left better to the general Law. For example subsection (2)(d) of section 30 says:-

"Any person who without authority removes, destroys, defaces, mutilates or otherwise damages anything (wherever situate) belonging to or in the custody of the Institute or any of its divisions;"

Presumably we mean intentionally and someone who accidentally damages something would not get caught under the criminal offence. It could well be that somebody stumbles into something that is very fragile and it breaks, that would be damaging but it would not be intentional. There is naturally, the Malicious Damage Law but there you have to show malice under the general Law. But I would ask that at least in relation to that specific section of it, we could just make sure that some element of mens rea came in and that it is not left in a strict form. So I would ask the Member to think about that.

The term is \$2,000 or six months maximum so it is a fairly serious offence to do any of these things. Do not get me wrong, I believe that anybody who does this and does it intentionally, should pay for it from the criminal point of view. I would just like to say that if it is going to be made a criminal offence rather than a civil one, perhaps some intent could be put into it.

The Schedule sets out the constitution of the Council and it also sets out the three different Committees and I wondered whether, for example in the Legislative Records Committee, it would not have been appropriate to have put in there one of the sitting Members of this Legislative Assembly. After all they are Records, and while it would undoubtedly be extremely well-known to the Members that make this up now, I thought that may have been something that could have been added. However, I am not extremely worried about it and I believe that overall the Law is a good one, and I commend the Member for Education for bringing it. And I hope that once this goes in we will find the different divisions of this taking shape and moving forward. I would undertake, naturally, to support to the best of my ability, all three of the divisions that are under this Institute.

Thank you.

MADAM SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

Thank you, very much, Madam Speaker.

I rise to give my support to this Bill and in doing so I need not cover any of the points laid out in the Bill as my concerns have been elaborated upon previously. I was also, to a large extent, satisfied with the introduction given by the mover. Notwithstanding that however, there are a few points that I wish to make. The first is to commend the Member for bringing what I see as a very important Bill and a very noble effort to incorporate the history and the culture of our nation into a comprehensive Institute. It has been remarked that in order for us to progress, to have some sense of direction as to where we are going, we will need to have some knowledge of where we came from. This is an exercise which will give us some precise knowledge, albeit it will take a few years to accumulate and put this together. But this certainly is a beginning.

I would like at the outset to offer to the Member my services and say that I am willing, in any way that I can, to help in the promotion of this Institute and I will certainly encourage those of my constituents and the residents of this country to give the effort their fullest support.

It strikes me, although nothing was mentioned about financial resources, that an effort of this nature will necessitate some significant amount of financial resources over time. I can only say in this regard that I hope and wish for the Member the greatest success. I would also appeal to people who may have items of information or artifacts to make them available because if this effort is to be successful, it must have more than just the meaningfulness of this Bill. It must have the support and the cooperation of Caymanians of all spectrums of our society.

It is important to note that this move is coming at a time when Caymanians are increasingly interested in seeking out knowledge about themselves - where they came from, where they may be going. If I might use the expression, it comes at a time when the winds of sensible nationalism are blowing in the country. So the Member deserves to be commended for bringing the Bill at a time when it will readily be appreciated. I am satisfied that the Bill is comprehensive in its entirety and I would certainly say that there is little that can be said about this Bill which is negative or non-constructive. It seems that the Member is on a roll with this Bill and with the presentation of his Education Report. I can only wish him continued success and hope that it will get the support that it so rightly deserves.

MADAM SPEAKER:

The First Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Madam Speaker, I want to associate myself with the support of this Bill. I remember that back in 1988 I moved a resolution calling for social, historical and cultural awareness which asked for a few things. Two of them were to commission and publish full and proper documentation of the history of the Cayman Islands, and to provide a more comprehensive syllabus on the history of the Cayman Islands in all schools. I believe that this Bill before the House has some bearing on those two matters. I am pleased to see a Bill before the House which deals with the awareness of our local, social advancement. The truth is, with all our problems the country is at one of those periods that occurs in its history as a country evolves. As you go around you can see that there is a building up of what is Caymanian and I believe that there is a fundamental change taking place in the attitude of our people; a sort of quiet revolution.

As time moves on moments come in the history of our country, in the development of our country when fundamental change and transition becomes inevitable because of the build-up of a knowledge of what is historically ours, by forces that have been at work in the period preceding.

I am satisfied with the aims and objectives of this Bill and I do not need to rehash what has already been said but just to publicly offer my support for what I believe is a good thing, and I would hope that those two matters that I mentioned will be taken care of as we continue this national development. I want to be remembered as being a part of that force that I mentioned.

I congratulate the Member for bringing this Bill, for trying to institute an Institute of Cayman Heritage.

MADAM SPEAKER:

The First Elected Member for Cayman Brac and Little Cayman.

CAPT. MABRY S. KIRKCONNELL:

Thank you, Madam Speaker.

Madam Speaker, I rise to give my full support to the Bill now before the House, which will institute the establishment of Caymanian heritage. I am very pleased to see this Bill before the House, and I think that it will serve a very useful purpose in preserving our heritage from generation to generation. It will include the National Archives, the National Museum and the National Library.

I note that this Institute shall be responsible for the control and maintenance of the National Archives, the National Museum and the National Library and shall through those divisions collect, preserve, research interpret and exhibit for posterity significant material evidence, records and information relevant to the Island for the purpose of education, enlightenment and enjoyment. I would encourage all Members and all within the listening audience to give their full support to the preservation of all our archives and museum pieces. The introduction of the little Museum in Cayman Brac brought to the awareness of the people that it did not have to be something of great value to be an archive, it just had to have something that had significance within our development. I am proud that we now have a Museum here and as we go further with this Caymanian Heritage Institute, I know it will be a benefit to us all.

With these words, I support the Bill.

MADAM SPEAKER:
Cayman.

The Second Elected Member for Cayman Brac and Little

MR. GILBERT A. McLEAN:

Madam Speaker, I, too, rise to state that I support this Bill which is before the House for the establishment of an Institute of Caymanian Heritage. I think that it is very timely and I am personally very pleased to see that through this proposed Bill, Government is attempting to make available to its people information which I believe is so vital to a nation. It will be comprised of our National Archive, the National Museum and the National Library.

I, for one, believe that there are many documents worthy of being preserved which are in various parts of the world at this time, but I do believe that they can be collected, at least certainly copies of them, so that we can go back into our history for I do know and believe that we have a very rich history. I know that there are records in Jamaica, the United Kingdom, Spain and various parts of the world about the Cayman Islands, and I believe that it is good to know that there is a vehicle through which Government can direct a concentrated effort to put together in one place and preserve the records of our country. It will of course take an effort to sell the idea to the public and to get the public involved in it to understand its full significance. But I do not believe that that is insurmountable.

Effort has already begun on the National Archive and I am sure if that effort is sustained and improved as is necessary, we can accomplish whatever we may choose in this particular instance. The National Museum perhaps now is limited in terms of artifacts and things preserved, but, this, too, can be developed as it should be. Our National Library, while rather small and perhaps not providing as much as it could at this time, certainly does not have to be limited to its present size or stature.

Most agencies today, certainly Education and Government, are advocating that children read. I would hope that children in particular, would be encouraged in every way to make use of the Library, but that it be not limited to children, of course, because a person who keeps in touch with the world and his environment should always find time to inform himself about subjects past, or current.

I notice that in section 10 of the Bill it is proposed to establish a Records Management Service for all Government records. I would imagine that some attention would need to be paid to this, to make sure that there is proper co-ordination between the National Archive and the various Departments of Government. At one time there was a Central Registry from which most records could be obtained, but to the best of my knowledge, it has been decentralised and each Department basically now keeps its own records in house. So in setting this up, putting it in place, and making it work, there would appear to be an area there to which management should give some particular attention.

Madam Speaker, there is, in my opinion, generally speaking, a dearth of information in our country. I believe that the establishment of this Institute will go a long way towards creating a condition whereby this can be helped and rectified.

I give the Bill my support.

MADAM SPEAKER:

If no other Honourable Member wishes to debate the Bill would the Honourable Member in charge of the Bill exercise his right of reply?

HON. BENSON O. EBANKS:

Madam Speaker, I would like to thank those Members who supported the Bill by speaking to it and those who have supported by their silence, as well.

I do not have too many points to reply to. The Third Member for George Town, of course, mentioned that he would have preferred to have seen that the property, particularly in the case of land belonging to the Institute, could only be disposed of with the sanction of the Legislative Assembly as opposed to Executive Council. He did not seem to press that too much, nevertheless, I would like to assure him that it is not likely that this Institution will build up a great land bank, or property bank. And whatever it does get, I am sure that the Governor in Council of the future will see to its well-being.

With regard to section 25 where items are declared to be of National Importance, I am sure that the Member detected that the way that this is written indicates that there would be no high-handed treatment of any citizen in this regard. In fact, it should be noted that in subsection (6), it is envisaged that these items, in some instances, would remain in the care and custody of the owners, but that they are required to allow the Director of the respective unit to have access and see that it is cared for. The Law, for example, permits funds of the Institute to be used in their preservation and care, so that there is no intention of using any high-handed, or strong-arm tactics here. And of course, he rightly pointed out about the appeals that I mentioned also.

The First Member for Bodden Town pointed out that no direct mention of finances had been made in the presentation. That is covered under section 5(e) of the Law which indicates that the Institute expects to receive its money from grants made by the Legislative Assembly, admission fees, membership fees, or fees for services rendered by any of the constituent divisions of the Institute, from donations that might be made, sale of publications and money raised from any other source approved by the Council. If one goes back to section 5(d), it will be seen that the accounts of the Institute have to be properly kept and audited by the Auditor General and that the audited accounts together with an annual report of the Institute's operations will be laid on the table of this Honourable House by the Member. In this way the Legislative Assembly will be informed of the work of the Institute and hopefully, satisfied to the extent that they will fund the Institute to the degree and extent necessary.

The First Elected Member for West Bay made reference to a Private Member's Motion in 1988, calling for the commissioning of a history of the Islands and the introduction of a more comprehensive syllabus for our history in the schools. He indicated or suggested that he was hoping that this Bill was as a result of that motion. If the Member will check the Hansards, quite rightly, he would find that at that time I had mentioned that an archivist had been appointed and that in my opinion, that was the way we would get our history, and also increased knowledge of our history, in the schools. To that extent this Bill, and of course

the activities of the Archives, as I said, will facilitate that.

As I see it we have two ways of obtaining a history of the Cayman Islands. One would be to commission a history and have it written in short order with research. But I believe that that route would prove expensive and probably not as thorough as the second method, which I see as probably scholars of our own, and maybe even international scholars. Once we begin to collect our Archives and National Library material would do research, studies and papers on specific periods or incidents in our history. These would be thoroughly researched and recorded and be made available in those, what I would consider, small segments to schools and other interested person. Over the years then, undoubtedly somebody would combine all of these little bits and pieces and we would get a comprehensive history.

But I believe that this approach is a more scholarly approach and will result in us getting a better and more knowledgeable history. To support this theory I could mention for example, that even with the research that has been done by the Director of the Archives up until present, we have been able to determine that, yes, there was a Wreck of the Ten Sails, but much of what we thought was the history surrounding the incident is in fact, not as we have been told it was. So at least we are going to get that part of our history straight. I believe that this approach, as I said, this systematic study over a period of time, will give us a more scholarly history in the long run.

The Second Member for Cayman Brac and Little Cayman mentioned the Records Management Service which will be provided by the Archives. I would just like to point out that if that section, section 10 is read in detail, it will be observed that the provision of the Records Management Service to Government is basically a separate exercise apart from the normal operations of the Archives and will be directed not by the Member responsible for Culture, but the Member in Government responsible for Government Records. It will be paid for by funds from that Portfolio on an annual basis and of course, it will have the advice of the Advisory Committee. So I believe that here again, we will see much improvement in the records management of Government.

With those remarks I would like to again, thank all Members for their support and I commend the Bill to their support.

MADAM SPEAKER:
against No.

I shall put the question. Those in favour please say Aye...Those

AYES.

MADAM SPEAKER:

The Ayes have it.

AGREED. THE INSTITUTE OF CAYMANIAN HERITAGE BILL, 1991, GIVEN A SECOND READING.

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1991

CLERK: THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1991

HON. D. EZZARD MILLER: Madam Speaker, I wish to move the Second Reading of a Bill entitled A Bill For A Law To Amend The Parliamentary Pensions Law, 1984. This short Bill seeks to amend the 1984 Law in three areas. The first is to reduce the rate at which a pension is earned from the present figure of one-two hundred and sixteenth of annual salary to one-three hundred and sixtieth of the annual salary. Secondly, to bring the salaries specified in the Bill in line with actual salaries paid today and to state those salaries in such a way in the legislation that it will allow for any future adjustments without the Bill having to be amended. Thirdly, it seeks to place a cap on the maximum pension that can be paid to any Member. That cap, the Bill recommends, to be no more than two-thirds of the highest salary earned by the Member.

In addition, under this same section, it seeks to make a change so that the pensions being earned are for the actual years served, either as an ordinary Member of the Legislative Assembly, or as a Member of Executive Council. In other words, that section will not allow a Member to also earn pension as an ordinary Member while he is earning pension as an Executive Council Member. What the first section does is at the rate of earning a pension of one-two hundred and sixteenth, the maximum pension of two-thirds is earned in 12 years. When it is changed to one-three hundred and sixtieth, it will be 20 years before the maximum two-thirds can be earned.

I would just mention that it is also my intention to move this Bill to a Select Committee of all Members of Parliament at the end of the Second Reading debate.

MADAM SPEAKER:

The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN:

Thank you, Madam Speaker.

I was relieved to hear the Member say that he will put this into a Select Committee. On that basis my approach to this has changed somewhat, because I believe that matters such as pensions can be better dealt with when we are given time to look at different aspects and when we have access (not necessarily in this one, but in the other pension Bills) to the peoples' input.

This Bill does one thing that worries me, which I would like to see altered when it goes into Committee, and that is that it is in effect (at least from what I can see) going to leave the Members who have retired before this Bill comes into effect the 1st of January 1992, on their existing pension

rights. That, I do not think is fair. The people who have given their lives to this country and to this House, and believe me, many of them, for example, Mr. Craddock, have put in the better part of their lives here; perhaps few of us will ever serve the number of years that some, such as he, have served.

The position in the past was that salaries paid to Members of the Legislative Assembly were one salary, and salaries paid to Executive Council Members were another salary and that is the reason why in the Law in the past there were two salaries put in there. They were accumulative, you got a salary, or even before that you got an allowance while you were in the Legislative Assembly and, therefore, the reason why the present Law was amended and rehashed in 1985 was to provide a pension based on the two respective salaries.

What has happened now is that the two salaries have been put together for Executive Council Members and they just draw one salary which is inclusive for both their Executive Council position and their position in the Legislative Assembly. Because as we know that is now fixed on scales within the Government that were recommended by the Salaries Commissioner who did the Civil Service salaries. So that is the reason why there were two salary scales before, and even earlier than that, as I said, I understand it was more in the form of allowances. I do not feel that pensions that are being paid to those older Members - I think that they should be upgraded to what is reasonable and they should be given the benefit of this Law. It should not just be to the benefit to those who may retire after the Law has been put into effect.

There is definitely one thing that I can say, and that is I doubt very much that if I stay in politics that I will ever reach a retirement age to draw anything under this Law, at least not with the amount of pressure that one gets in politics these days. I have not been able to see fully the impact of the new formula, which the Member has mentioned, on the present situation. I would like to look at that in some depth and have examples drawn. For example, under the present salaries, I am looking at salaries that people got in the past, the difference in the factors being used. The thing that we have to be very careful with is, while this is going to provide what looks to me to be quite a substantial pension, that whatever is done falls in line with whatever has been recommended by the Salaries Commissioner. The reason I am saying this is that I feel that not only the salaries, but the pensions should be something that we do not make ourselves. I believe that it should be something that is recommended by an arm's-length Salaries Commissioner (normally the best person), and I believe that he did make certain recommendations in relation to pensions.

To be very frank a lot of the Bills came late and some research that I could have done I will not be able to do after - that is why I am happy that the Member has put this into the Committee. I really was not able to get out of my archives (since we have just been talking about archives), the report to see what the impact was. But my point is the salary and the pensions of Legislative Assembly Members should not be something that we sit here and do ourselves, whether it is arbitrarily or not. I have always held out, regardless of whether it is larger or smaller, that whatever an arm's-length Salaries Commissioner independently advises, I would accept. It was on that basis that the salaries that MLAs and Executive Council Members now get, were dealt with through the Salaries Commission. So I would like to look at it in terms of that as well.

What I do find a bit ironic is that when the Parliamentary Pensions Law was amended in 1985 by the new Government and it was a political issue in the 1984 Election, it contained a section which allowed the increase in salaries of the past. Basically, what we are going back to looks like something along the lines of what was there at that time. So a pension, once it is fixed now will, as a Member retires, be based on his salary at retirement. That is what I understand the position to be with this Law. As I said, I would like to have a better look at the clauses in this and I think that it was prudent for the Member to put it into Committee to be looked at, provided this falls within what an independent person has assessed should be the reasonable pension for Members of the Legislative Assembly. I can go along with that. I do not want to get involved, however, in trying to come to some conclusion on the basis of doing it without having that independent assessment because I think, especially from the public's point of view, we have to be careful that when we all sit here in a position of power and do things that affect us such as this, that there is someone who makes the recommendation independently and feels that we do deserve whatever salary we get.

On that basis I will support the Bill to go into the Select Committee. There are areas of this that I do not agree with and areas that I would like further clarification on, and also I would like to see the Salaries Commissioner's report on this. I must say that the Member for Health is brave, if he wants me to put it in those terms and he sure does keep coming up with controversial Bills. However, this is one, like all Bills that are very controversial or very difficult, where sometimes the method of taking a lot of the heat out of it is to slip it into a Select Committee and get some independent views. I do not mean expert views when I say that, I mean views from the public - independent people. In this I am happy to vote for it to go into the Select Committee and look at it there.

Thank you.

MADAM SPEAKER:
Cayman.

The Second Elected Member for Cayman Brac and Little

MR. GILBERT A. McLEAN:

Madam Speaker, I rise to say that I support the Bill For A Law To Amend The Parliamentary Pensions Law, 1984, going into a Select Committee. Having said that, I wish to say that while I will participate in the discussions on this Bill and offer my views in whatever way I can, I will not vote for this amendment to come into effect, as I stand by the position I held in 1984, an issue on which I campaigned in the 1984 Election.

I cannot satisfy my mind that political leaders (and many, I must say, shouted from the rooftops about the socialistic aspects of a national pension for this country) were able to put a charge upon the public purse to institute a Parliamentary Pension for themselves. I have not changed my view

since then and certainly I do not, for one minute, advocate that the persons who have benefitted from this, particularly the older legislators who received little to no salary in those days... they do benefit in some ways, I am aware of some people who do receive some money, some pension at this time which helps them, to say the least. But I believe that pension could have well have been placed in a national pension and it would have served the same purpose. So, as far as this being a particular type of pension, I will certainly not knock myself out in any attempt to hinder this because it is in place, and there are those who have benefitted. I will not vote for its coming into effect.

I think that the Member has very sensibly brought it at this time and it can be looked at in the Select Committee along with the National Pensions Bill. Certainly, if there are areas which can be amended or rectified to make it more equitable for all concerned, then that is only fit and proper.

He has made certain submissions of which I have taken note, and perhaps I will be able to ask questions to get more details of his thinking on it in the Select Committee. Having said that, I will support the Bill to go to the Select Committee.

Thank you.

MADAM SPEAKER:

The First Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Madam Speaker, we should not get the idea that this Bill reduces pensions. In my view, it does not do that. By the Member saying that it reduces the rate at which a pension is earned, people might get the impression that we are here reducing pensions; we are not. I believe that an anomaly in the Law was the fact that the pensions were paid according to the Law, which said that it was some \$13,000. And if we are going to get pensions, the objective of a pension is that one is paid according to the last salary that he receive and I support that concept.

The one thing that I have against this Bill is that I do not think that putting this Bill to a Select Committee is the ideal situation for it. I feel that since we have gone through a very serious salary revision recently and the matter of pensions for ourselves, to be beyond any kind of suspicion it should be brought to a body which could adjudicate on it in a more independent fashion. This is one of the things that I have against this piece of legislation.

Bringing a National Pensions Bill is one thing, but when we come here to be charged with looking after ourselves, that is another matter and I believe that if we could send this to an independent body, I think that would be much better.

MADAM SPEAKER:

The First Elected Member for Cayman Brac and Little Cayman.

CAPT. MABRY S. KIRKCONNELL:

Thank you, Madam Speaker.

I support this Bill now before this House, A Bill For A Law To Amend The Parliamentary Pensions Law, 1984, to be sent to a Select Committee. I think in considering a pension for legislators we should look back in history to the many years that the legislators served for nothing and then for a token salary.

Just recalling my own experience, I was elected in 1980 and the salary then was \$211 a month and I had to rent a car in George Town when I came here. So we have come a long way and we must realise that we, as the present legislators, must not only look for ourselves but to those who made it possible that we could be legislators and preserve parliamentary democracy in this nation.

We must consider those who gave so freely of their time but are receiving small remunerations, when we look at the percentage at which we figure the present pension. I have not gone to the extent of figuring out what it would be on the different percentages, but I can well appreciate that if the one-two hundred and sixteenth was to continue, many Parliamentarians sitting today would probably be better off retired because they would be earning more than they are as active members. So I think that it is wise that we have made provision in this to correct the percentage.

But I feel with it going to a Select Committee, we will be able to get professional advice, as the First Elected Member for West Bay has suggested. I also do not want it to be said that I voted to provide a pension for my retirement. I think I want to be remunerated with what the country feels I deserve, but at the same time I want to be particularly sure that those who served in the early days for practically nothing are also compensated.

So with these few words I look forward to going into Select Committee, getting all of the opinions of the Members and some professional advice so that we can come to an agreement on a pension that is fair for all.

Thank you.

MADAM SPEAKER:

Member exercise his right of reply?

If no other Member wishes to debate would the Honourable

HON. D. EZZARD MILLER:

Yes, Madam Speaker.

I would just like to thank Honourable Members for their support and to reply to one or two comments that were made.

The Third Elected Member for George Town seemed to be quite pleased and surprised that the Bill was going to a Select Committee. That was announced in the press several weeks ago when it was announced that the Bill was coming to Parliament. So that should have been no surprise to him. Of course, he reads what he wishes to read. He also felt that these changes to this Bill should apply to

Members who had served before. I am quite pleased to hear that he is now supporting retroactive legislation. However, I am not about to introduce retroactive legislation, particularly in this case, because the Members whom he is speaking of would be infinitely worse off with the provisions of the new Bill than they are with the provisions of the old Bill. That is why we have protected their rights.

He knows that those pensioners, like all pensioners, are given the normal cost of living increases whenever salaries are increased. He said that he had not had the time to fully figure out the formula by which the pensions were going to be paid. But his accountant I am not. If he wants examples for that, he must take the time to figure them out himself. He can use his own salary and apply the relevant formulas to it.

I assume that he supported the 1984 Law and as for his remarks about me introducing controversial Bills, I have a job to do, and I do it to the best of my ability, whether the Bills are controversial or not. I am not afraid to bring forward what I think are reasonable attempts whether in legislation or otherwise, to solve the problems before us or the country.

I would just like to bring to the attention of Members the order in which we have dealt with these pensions. Since I am the Member responsible for pensions - not the Civil Service pensions, but pensions in general - first we dealt with the Civil Servants, secondly we dealt with all of the citizens under the National Pensions Plan and thirdly we are trying to correct what is wrong in the Parliamentary Pensions Bill.

I commend it to the Select Committee and he knows that what is in here is basically what was recommended by the Salaries Commission. This pension is now contributory and every month your salary sheet comes to you and Honourable Members have theirs on their desks today. They will see a section under that says "Pensions" and they are contributing \$221.20 per month. That is also a change made by the present Government; or 4 per cent of their salary and Government will match that.

I have no problem with calling in experts from wherever they can find them to look at the provisions and I commend the Bill to the Select Committee.

MADAM SPEAKER:
against No.

I shall put the question. Those in favour please say Aye...Those

AYES.

MADAM SPEAKER:

The Ayes have it.

AGREED. THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1991, GIVEN A SECOND READING.

HON. D. EZZARD MILLER:

Madam Speaker, could I have a division please?

MADAM SPEAKER:

Honourable Member, I think not, because I heard all "ayes". I did not hear any "noes" and I think in that case it would just take up the time of the House. Are you ready to put your question on the Select Committee now?

STANDING ORDER 49(2)

HON. D. EZZARD MILLER:
recommend that...

Yes, Madam Speaker, under Standing Order 24(9)(ii), I

MADAM SPEAKER:
Order 49, not 29.

....I think that your Standing Order is wrong. It is Standing

HON. D. EZZARD MILLER:

Standing Order 24(9)(ii), Madam.

MADAM SPEAKER:

Also Standing Order 49(2), we are dealing with a Bill.

HON. D. EZZARD MILLER:

This is...

MADAM SPEAKER:

We are dealing with a Bill. It is Standing Order 49(2).

HON. D. EZZARD MILLER:

sent to a Select Committee of the whole House.

Under Standing Order 49 then, I recommend that the Bill be

MADAM SPEAKER:
against No.

I shall put the question. Those in favour please say Aye...Those

AYES.

MADAM SPEAKER:

The Ayes have it.

AGREED. THAT THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1991, BE REFERRED TO A SELECT COMMITTEE OF THE WHOLE HOUSE.

STANDING ORDER 69(2)
Appointment of Chairman

MADAM SPEAKER: In accordance with Standing Order 69(2) the Member in charge of the Bill, the Honourable Member for Health and Social Services, is appointed Chairman of the Committee. The House will be suspended for 15 minutes and will resume at five minutes past four.

AT 3:50 P.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 4:09 P.M.

MADAM SPEAKER: Please be seated. Proceedings are resumed. The Pharmacy Bill, 1991.

THE PHARMACY BILL, 1991

CLERK: THE PHARMACY BILL, 1991

HON. D. EZZARD MILLER: Madam Speaker, I wish to move the Second Reading debate of a Bill entitled A Bill for a Law to Control Dealings in Medicinal Products and Poisons Having Potential Danger to Health if Misapplied, and for Matters Connected Therewith and Incidental Thereto. I propose to refer to this in the debate under the short title The Pharmacy Law.

Madam Speaker before I deal with the Memorandum of Objects and Reasons, let me say that the present Pharmacy Law, 1974 was out of date and very inadequate at the time that it passed into Law by this Honourable House in 1974. The present Bill seeks to take a much broader view of the practice of pharmacy and control of the industry and the necessary authority to enforce the provisions of the Bill. The Government believes that these changes will lead to improved patient care to the citizens of this country. The Bill before us has the support of the Cayman Pharmacy Association and the Commonwealth Pharmaceutical Association. Other professional bodies like the Cayman Islands Medical and Dental Society have been asked for their input and their recommendations have been incorporated into the Bill before the House, where they were fitting. This Bill seeks to achieve this broad objective through 11 parts.

Part I of the Bill as usual in all Bills, contains the short title and commencement clause as well as the interpretation clauses. Part II seeks to establish a Pharmacy Board with the membership of four persons under the Chairmanship of the Chief Pharmacist and deals with meetings and procedures of the Board. It seeks to protect members from litigation in respect of the performance of their duties. It also appoints the Chief Pharmacist as Registrar to the Board and to deal respectively with the funds of the Board and payment of allowances to members of the Board, as well as creating the authority for the Board to grant licences.

Part III deals with such matters as who may carry on a pharmacy business, allowing the estate representatives of a deceased pharmacist to carry on the business. It deals with the licensing of premises in which a pharmacy business is carried on. It deals with the refusal and revocation of a licence by the Board. It has a penalty for carrying on a pharmacy business by a person who is not a registered pharmacist and the circumstances under which it can be done.

Part IV is divided into 12 clauses and deals generally with medicinal products. It seeks to set limits on the distribution of medicinal products. It requires that applications for a licence be made to the licensing authority which, as I said earlier, is the Board. It prescribes the matters to be taken into consideration in granting an application for the several kinds of licences which may be granted. It specifies when the licensing authority may issue a licence and the form and duration of the licence. It empowers the licensing authority to suspend the licence in certain limited cases. It allows for the variation of a licence on the application of the licensee. It also lays down special cases in which the provisions of clause 17 shall not apply, such as certain things done in a registered pharmacy under the supervision of a pharmacist and anything done by a medical practitioner in certain circumstances. It also empowers the Governor to make Regulations. I had hoped to have those draft Regulations ready for circulation to Members but due to pressures the Legal Department has not been able to finalise them as yet. Hopefully they will be completed today or tomorrow morning.

Clause 25 places certain restrictions on the sale and supply of medicinal products for clinical trial. It deals with the sale, supply or importation of medicinal products for testing on animals. It specifies the duration of a clinical trial certificate and sets out the penalties for certain contraventions under this section.

Part V deals with restrictions on retail sale of medicinal products, the supply of pharmacy medicines, the possession or sale of prescription only medicines, Regulations relating to certain specific purposes, the prohibition of alteration of medicinal products, and again, penalties for any contravention of these provisions. Part VI deals with containers, packages and identification of medicinal products, and these provisions are laid out in clause 35. Clause 36 relates to leaflets which accompany medication and clause 37 again, prescribes penalties for the contravention of provisions of this section.

Part VII seeks to control the promotion of sales of medicinal products by advertisements, to enable the Governor to make Regulations relating to advertisements and to prescribe a penalty for contravention of these provisions. Part VIII seeks to regulate the dealings with poisons and these provisions are set out in clause 41 through 43 and again the Governor may prescribe a "Poisons List" of the

substances which fall under this section and specific conditions for the sale of poisons and their importation. Again, there are penalties for the contravention of the conditions specified in the section.

Part IX is the general provision which allows the Governor to make Regulations under the Law for non-medicinal products. Part X seeks to lay down the provisions of the Bill and how they are to be enforced. This is done by the appointment of inspectors. The Law specifies that the inspector must produce a certificate before entry onto premises. It details the power with which the inspectors are vested and what they have to follow for the examination of any article, plant or equipment used, or intended for use in medicinal products and lays down penalties for the obstruction of inspectors in the line of duty. It also provides a penalty for disclosure of information, except in the course of duty by a person in respect of any manufacturing process or trade secrets such as patented medications. It also seeks to protect the inspector from personal liability for anything done in the exercise of his duty. It also deals with offences by corporations and other offences under the Law. Part XI is a Regulation-making provision which empowers the Governor to make Regulations for gifting effect to the provision of the Bill and clause 54 seeks to repeal the Pharmacy Law, 1979.

Madam Speaker, I commend the Bill to the Second Reading debate.

MADAM SPEAKER:

The First Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Madam Speaker, this Bill has merit in some of its clauses, but other clauses give me cause for some serious concern. Generally speaking, this Pharmacy Bill, in my opinion, is going to give the pharmacists in this country a monopoly. It creates a Board with inspectors to inspect premises - which is not bad. I think it is good because there are many times that medicines become out of date and I do not think that we should leave that to any proprietor to say so - but the monopoly is evident because only pharmacists will be appointed as inspectors and how many pharmacists does this country have?

I think that the Bill as a whole, when coupled with the new Health Authority Law, will raise the cost of medicine in this country tremendously. I hope that costs will not get much more out of hand than they already are at present. I say that it will raise the cost of medicine, as my reading of the Bill says that doctors will have to get a special dispensing licence in order for them to treat their patients. For instance if I go to a doctor and he is going to prescribe something, maybe it is an emergency and the doctor is going to prescribe something that he has in his office, that doctor has to get what is known in the Law as a "dispensing licence". Small stores, as far as I can determine, will have to get what is known in the Law as a "product licence" in order to sell medicines. Maybe the Member can clear this up when he rises, but this is what I read the Law to say. Stores will have to get a product licence in order to sell over-the-counter medicines, that is medicines such as cough syrups, etcetera.

Wholesalers who sell to small shops will have to have a "wholesale dealer's licence". The big supermarkets, and we know that all three of them I believe are wholesalers, will have to get a wholesale dealer's licence and to continue selling medicine over the counter they are going to have to get a dispensing licence. This is going to increase the cost of medicine in this country like we have never seen it before because apparently the Board is going to have inspectors who, I guess, will not work for nothing and will have to get money from somewhere, and presumably these licences will not be something too cheap.

Looking at the different clauses, clause 7 for example says:-

"7(1) The funds in the possession of the Board shall be the property of the Authority and shall consist of -

- (a) all fees payable under this Law;
- (b) such other monies that may come into the possession of the Board in the course of its functions."

It goes on to say, and this is where I have a little disagreement, that:-

"(2) The accounts of the Board shall be examined and audited annually by auditors appointed by the Board and approved by the Governor."

I believe that to keep matters on a straight line that it may be good for the auditor general to look at these accounts, it is a Government constituted Board. I would hope that the Member in his winding up will be able to say clearly what section 10(2)(a) means when it says, and to get the sense of it I will have to read what 10(1) says:-

"10(1) Except as provided in this Law, no person other than a person registered as a pharmacist under the Health Practitioners Law, 1974, shall -

- (a) conduct a retail pharmacy business;
- (b) in the course of any trade or business prepare, mix, compound or dispense any medicinal product or poison except under the supervision of a pharmacist;"

And it says:-

"(2) Paragraph (b) of subsection (1) shall not apply to medicinal products administered by

- (a) a medical practitioner or a dentist, to his patient when acting in the ordinary course of his practice;"

I believe to make it absolutely clear it should say, "once they obtain a dispensing licence", because otherwise in the Bill it says that a dentist or medical practitioner will have to get a dispensing licence. Maybe in his winding up the Member could clear up that aspect of it.

When we look at clause 12 under the death of pharmacist. It says:-

"12 Notwithstanding anything contained in sections 10 and 11-

- (a) if a pharmacist dies, or becomes of unsound mind, or is adjudged bankrupt or enters into an arrangement with his creditors, his representatives may, with the permission of the Board and subject to such directions and conditions as the Board may in its discretion impose, carry on the business, and it shall be necessary for such representatives to be licensed and the business continued only under the personal management and control of a pharmacist, and for such period not exceeding five years, as the Board may decide;"

I do not know what the Member or the draftsman meant here, but I can understand that if a pharmacist dies that the business can go on once they get another pharmacist to control and manage the business. But why should it only continue for five years? I do not understand the reasoning. I mean if the business is licensed in the country, then as long as he gets a business licence he should be able to carry on the business. But the Law specifically that the business cannot go on for such period not exceeding five years.

Madam Speaker, in dealing with clause 20 and the granting of licences, it says:-

"20(1) If the licensing authority is satisfied that the applicant is a fit and proper person to carry on any business set out in section 17, it may issue to the applicant the licence appropriate to such business subject to such general or special conditions as the licensing authority may consider appropriate."

All good and well, Madam Speaker. But when we go on to subsection (3) it says:-

"20(3) Where the licensing authority considers that the applicant is not a fit and proper person to whom a licence should be issued for the carrying out of any business specified in section 17, it shall refuse to issue the licence and such refusal shall not be subject to appeal to, or question in, or by, any court, and the licensing authority shall not be required to assign any reasons therefor."

MOMENT OF INTERRUPTION - 4:30 P.M. STANDING ORDER 10(2)

MADAM SPEAKER: Honourable Member it is now 4:30 p.m. Will you be finished shortly, or would you like to call for the adjournment now?

MR. W. McKEEVA BUSH: I would be pleased to take the adjournment, Madam Speaker.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the adjournment of this House until 10:00 o'clock tomorrow morning.

MADAM SPEAKER: The question is that this Honourable House do now adjourn until 10 o'clock tomorrow morning. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM SPEAKER: The Ayes have it. The House is accordingly adjourned until tomorrow morning at 10 o'clock.

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. THURSDAY, 27TH JUNE, 1991.

**THURSDAY
27TH JUNE, 1991
10:06 A.M.**

MADAM SPEAKER:
Trade.

Prayers by the Honourable Member for Tourism, Aviation and

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 II, 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 Speaker of the Legislative Assembly, 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.

Let us say the Lord's prayer together: Our Father who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done 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.

MADAM SPEAKER:

Please be seated. Proceedings are resumed.

Presentation of Papers and Reports. The Education Review of the Cayman Islands. The Honourable Member for Education, Environment, Recreation and Culture.

PRESENTATION OF PAPERS AND REPORTS

THE EDUCATION REVIEW OF THE CAYMAN ISLANDS

-and-

THE DRAFT FIVE YEAR EDUCATION DEVELOPMENT PLAN 1991 - 1996

HON. BENSON O. EBANKS:

Madam Speaker, with your permission I would like to deal with the Education Review and Draft Development Education Plan together, if I may.

MADAM SPEAKER:

Fine.

HON. BENSON O. EBANKS:

I beg to lay on the Table of this Honourable House the Education Review of the Cayman Islands Report and the Draft Five Year Education Development Plan 1991-1996.

MADAM SPEAKER:

So ordered.

HON. BENSON O. EBANKS:

Madam Speaker, all countries, be they developing or developed, view education as the vehicle for national development. The Cayman Islands are no exception, the principal goal being the promotion of equity wherein structures are established to provide educational opportunities for all so that each person will be able to develop his or her potential to the fullest. It is envisioned that through the projected improvements in education, each citizen will become more socially and culturally aware, will develop a keener sense of direction and thus become more capable and actively involved in making informed decisions regarding our country's future.

The Review of the Education Sector has indicated that whereas the present school system did an excellent job in the 1970s, it now needs to be restructured to respond to the rapid pace of economic growth which has resulted in the demand for a variety of new skills and services; different employers' expectations; a change in the home environment where a high proportion of both parents are away at work; and acculturation problems caused partly by the increasing rate of non-Caymanians being employed.

Demands placed on the Portfolio which necessitated this Review of the Public Education Sector included:

- (1) The change to, and development of the National Curriculum in the United Kingdom, the content of which is

geared almost exclusively to a United Kingdom and European orientation. Unlike its predecessor, Cambridge 'O' Levels, which set papers specifically for the Caribbean region, the General Certificate of Secondary Education permits only limited regional input. It is envisioned that the National Curriculum of the United Kingdom will have even less of a regional element relative to the Cayman Islands.

- (2) Local outcries with respect to standards within the Public Education System such as employers concerns about school-leavers being too young; not sufficiently mature; not sufficiently academically prepared for work. The general public shared most of these concerns in addition to feeling strongly about the problems of indiscipline, the inability of students to take up further education and school-leavers being too young to adequately function in an adult environment.
- (3) Parliamentary questions and debates reflecting these themes while specific motions were brought pertaining to the raising of the school leaving age and the feasibility of establishing a teacher training facility.
- (4) Growing disquiet amongst educators and administrators within the Public Education System regarding the system of Continuing Education and Professional Growth; mechanisms for enabling teachers to be more efficient, effective and accountable; the system of pastoral care; methods for dealing with students in need of remediation; the system of supervision and evaluation of professional staff; the lack of linkage between the main stages of education; and evaluation and assessment at the end of primary and secondary stages.

The latter two concerns were shared by many parents and members of the general public. Impelled by these various forces, the Portfolio of Environment, Education, Recreation and Culture, and the Education Department drafted detailed Terms of Reference for the conduct of a proposed exhaustive Review of the Public Education System. The perception was held at this early stage that it would be necessary to develop an Education Plan to address the breadth and depth of concerns raised.

The United Nations Development Plan Regional Office in Kingston, Jamaica was most helpful in identifying suitable external consultants and also recommended the use of local counterparts in conducting this exercise. The United Nations Development Programme also provided financial support both for the review process and the preparation of a Draft Education Plan.

The education consultants engaged to conduct the Education Sector Review were Mr. James Porter, Director General of the Commonwealth Institute, and Dr. Desmond Broomes, Senior Research Fellow, University of the West Indies. External consultants working on preparation of the Draft Plan were Dr. Una M. Paul, Programme Specialist & Consultant of the Caribbean Network of Educational Innovation for Development (CARNEID), and Mr. Claude Tibi, Consultant & Senior Advisor to International Institute for Educational Planning, Paris. Local counterparts in both instances were Mr. Deanna Look Loy, Assistant Secretary - Portfolio of Education, Environment, Recreation and Culture and Mrs. Lillian Archer, Education Officer, Special Services - Department of Education.

Our experience with both sets of consultants has been both refreshing and enlightening. In the course of the Review there was wide consultation with Members of this Honourable House, members of the public, several Government Departments, professional staff of both the Private and Public Education Systems and private sector groups. The conclusions drawn following this were set out in the recommendations of the Review Report, which having been accepted in principle by the Portfolio were used as the basis for the Draft Education Development Plan.

The tremendous response from all quarters has to be acknowledged with much gratitude. The preparation of the Draft Plan from the Review Report did not require the same element of public consultation but we are very grateful for the input of consultants and their willingness to engage in dialogue with us while carrying out their duties.

Madam Speaker, the broad objectives of the Review and the Draft Plan are:-

- To create a more logical, continuous and interactive educational environment for children, teachers and the population at large;
- To address the issues of pre-school education and the particular needs of families with young children;
- To provide a firm framework of educational opportunity and training for all Caymanians including those over the age of 16;
- To develop a national curriculum which will cater not only to the new demands and needs of the Caymanians, but will embrace regional and international issues and ensure that Caymanians are well prepared to sustain their highly developed economy;
- To create an environment that will produce in the shortest possible time Caymanians who are better equipped to meet the current and future economic and social demands of the country.

These objectives would entail the following major initiatives. The most significant initiative proposed is the restructuring of the school system. It is proposed that the school system will now consist of four levels, a Pre-school level from three years to four years nine months; a primary level to 10 years nine months; a Secondary or High School level from 10 years nine months to 16 years nine months;

and fourthly a vigorous development of the Community College to cater to Post Secondary Education.

The main changes here would be the raising of the age of transfer to the Secondary level from nine years months to 10 years nine months; the phasing out of the Middle School concept; and the raising of the school leaving age to 16 years nine months instead 15 years nine months, as at present; this after a full six years of secondary education.

Also restructuring of the Education Department including the establishment of an Education Centre; development of a National Curriculum which would include total teacher involvement as well as significant input from employers; evaluation of student achievement at three specific stages of their school career; it is proposed to develop tests to be administered at ages 8, 11, and 14 years; implementation of a system of school inspections; development of full participation by the community in the education system including the creation of community based school boards for each school and the involvement of employers in the educational process. What is proposed here is in reality, formalising the already existing strong and active involvement of parents in the schools and process of education of our children; enhancement of the role of the Community College and Post Secondary Education and possibly in teacher training; possible changes in the external examinations sat by local students.

In addition it should be pointed out that Government will continue to be committed to the partnership which already exists with private sector educational institutions. We are very much relieved that no large increase in cost is to be necessary to implement the Draft Plan.

The Education System already receives about 14 per cent of total recurrent expenditure. This would only increase slightly over the next five years. The main capital expenditure involved, amounting to some \$34.25 million, will include an Education Centre, already talked about; three new Primary Schools, including one now under construction in West Bay; two new High Schools, including the one for the eastern districts already proposed; and the adaptation of the existing Middle and High Schools on Grand Cayman; and an extended Teacher Education Centre in Cayman Brac.

The main source of increased cost in fact, is demographic change, increases in the numbers of students entering the system. This is projected on the basis of the population patterns over the past 10 years. The second source of increase cost are the measures proposed to improve the quality of education provided including establishment of an Education Centre. It is not expected that the proposed raising of the school leaving age would have any significant effect on costs during the Plan period. This would not in fact be felt until 1998.

In conclusion, I commend the broad lines of the Review and believe that the Draft Plan demonstrates its feasibility. Giving Members endorsement of the main thrust of the Review and its proposals, I would wish to have a period of detailed discussion concerning implementation with all those involved, that is all sectors of our society, the very people who were consulted in the beginning and who have had such a critical effect on the proposals before this Honourable House. At the same time the Portfolio will set in motion the work needed to formulate a detailed and comprehensive plan of action and time table with specific costings which I shall be pleased to share with the House and the country on its completion.

Madam Speaker, I therefore beg to move that the Education Review of the Cayman Islands Report 1990, and the Draft Five Year Education Development Plan 1991-1996 be accepted as the basis for national dialogue and final preparation of a Five Year Education Development Plan, which itself will be brought back to this Honourable House for discussion, debate and eventual acceptance.

I thank you, Madam Speaker.

MADAM SPEAKER:

The question is that the Education Review of the Cayman Islands Report 1990, and the Draft Five Year Education Development Plan 1991 to 1996, be accepted as the basis for national dialogue and final preparation of a Five Year Education Development Plan which itself will be brought back to this Honourable House for discussion and debate, and final acceptance.

The Motion is open for debate.

The First Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Madam Speaker, I am not usually the first to rise on this side to speak to intricate matters on education, but I am pleased to start off this morning and will be very brief. There are several recommendations, some 60-odd and most pleased to say that I am in support with the majority of them and perhaps they are all very well explained, I will be in support of all of them.

In looking at Recommendation 35, it says that:-

"It is recommended that the Chief Education Officer, Deputy Chief Education Officer and those officers concerned with finance, personnel, monitoring, maintenance and supplies, should be in the Government Headquarters building in close association with the Portfolio for Education, Environment, Recreation and Culture, and the other main Portfolios and Departments."

Perhaps this event might have already been overtaken.

I am very pleased to hear that there will be a National Curriculum which, as the member said, will give regard to matters that I raised in the House in February. That is, that education curricula should be something related to the development in this country. There is hardly any point in learning about Nelson and a lot of other history that has no relevance to the Cayman of today. And I would hope that a National Curriculum will take into consideration these concerns about our national development.

Sometime ago, I think it was in 1989, the First Member for Bodden Town and I moved a resolution recommending that the school age be increased. I am happy that this

recommendation is included when it says that it is recommended that the school leaving age be increased by one year to 16 years nine months. Recommendation 46 gives regard to the International College of the Cayman Islands, a college established in 1970. In looking at this recommendation, the authorities will now have to consider and make a decision regarding that college - something this opposition Backbench has been calling for, for quite a long time, not only the Backbench but the entire country as well. I would trust that this matter will be dealt with quickly so that the country and the Education Department will be on all fours with this college.

Recommendation 47 says that: "There should be a newly constituted scholarship and student support Board. This Board should have an independent Chairman and the best possible advice and guidance." For a long time - it may have been the subject of a motion before the House some time between 1984-1988, when I suggested a student loan scheme operation and I was told that that matter was taken care of under the Agriculture Industrial Board. This recommendation will hopefully take care of that and hopefully put all student loan matters in the Education Department where it rightfully should be. The suggestion for the Board to have an independent Chairman, is a wise one. I am one of those people who believes in any case that an appellate body is desired (be that one or more persons), and the aspect of taking the Member who presently serves as Chairman of the Council (which deals with scholarship) away, will serve that matter well.

Somewhere in this Report it deals with teacher training facilities. The subject matter of another motion moved by me and seconded by my colleague the First Member for Bodden Town. I would hope that that aspect also will be given the fullest consideration and find favour with the education authorities. The Report deals with salaries, another subject matter of this opposition Backbench, when we dealt in detail, by way of questions and in other debate, the matter of teachers and their salaries in this country. If we want good teachers we are going to have to pay them well. I am one of those people who believes that the teacher is one of the most important persons in the role of development in any country, more so in our small territory where we have so many varying problems.

Generally, I am in agreement with these reports, and I have not been able to cover them and comprehend them as well as I would like, but as I said generally, I am in support and I will be encouraging those people whom I represent in my constituency to pay close attention, to ask questions, to gather information about what the Plan proposes. It affects all of us and it proposes to affect us for many years to come.

Madam Speaker, I am one of those people who did not have the benefit of getting a High School education, much less a College education. I am often derided in this House for that. Nevertheless, I know the value of a good education. I am a parent in this country and I want to say to those people responsible for these reports that when I ask a question it is to gather information because I am concerned, not because I oppose it as such. I hope that when these recommendations are all put in place, our young people will have a better education; something that relates to the Cayman Islands, not leaving out international events, but that they can cope with the problems that they face in this country.

Just last night we had a graduation of 300 children. As I sat there I had to ponder what the future holds for our young people and what we as legislators are going to do that will leave a print on their lives. For my part, me and my house, as the Bible says, we will do our share to see that the future citizens of this country are best able to cope with the things that affect them most.

I support these recommendations and I might not be able to do much, so the Member might believe, but if I can do anything, I say to him he has my support.

ANNOUNCEMENT BY THE SPEAKER

MADAM SPEAKER: Before I recognise the next speaker, I would like to take the opportunity, on behalf of the Members, to welcome in the House this morning three officials from the Turks and Caicos Islands. These are the Honourable Michael Misick, who is the Minister for Transportation and Communications, the Honourable Glen Gheland, who is the Attorney General, and Mr. Cliff Hamilton, Director of Tourism. I know that you would like me to welcome these gentlemen on your behalf.

THE EDUCATION REVIEW and DRAFT FIVE YEAR DEVELOPMENT PLAN 1991-1996

MADAM SPEAKER: I now recognise the Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Thank you, Madam Speaker. The Motion, as I understand it, is to accept the documents just laid on the Table. May I just ask what Standing Order that was made under, and could the Member clarify that, please?

HON. BENSON O. EBANKS: Standing Order 24(9)(viii), arising after a matter. But maybe I should just point out to the Member that the Motion says "...is to be accepted as the basis for national dialogue and final preparation of the Five Year Education Development Plan, which itself will be brought back to this Honourable House for debate and acceptance". I have repeated that because I believe you were coming in when I was speaking.

MR. TRUMAN M. BODDEN: I am wondering if perhaps we could get a transcript of that, because it is a bit of an unusual Motion. Then I would like to speak, if possible. Or could the Member just let me have a copy of what he has there, please?

MR. TRUMAN M. BODDEN:

Madam Speaker, the Education Review of the Cayman Islands Report and the Draft Five Year Education Development Plan that have just been laid on the Table, are extremely important documents because they are going to be shaping the future of the Cayman Islands, and dealing with the lives of our children. To that extent, I think that it is very important that every opportunity be given to the public, and to this Honourable House, to ensure that the Report and the Plan are fully understood, fully digested, and the people given a reasonable and fair opportunity to comment upon them.

The Education Review itself was dated September, 1990 (that is some nine months ago that the Member received this Report), and as this House will recall, I put a motion to attempt to get this laid on the Table of the House at an earlier stage and I am happy to see that finally it has been. The Development Plan is dated 15 April, 1991, that is over two months ago and obviously the Portfolio and the Member have had considerable time to look at these.

The Report itself is an extremely large document of some 186 pages and it contains very serious recommendations among the 63 Recommendations that it makes. The Recommendations are very basic to what has been recommended as a very radical and substantial change of the Education System and therefore the understanding of where the Development Plan is taking us in the next five years has to be closely related to the Report itself.

I think what is important is that time is given at a later stage for the people, the panel that put this Report together to come back to the Island - some of them are on the Island, but those who are not here to come back - and that we be given an opportunity after digesting this, to ask questions and try to find out the reasoning behind it, because you cannot take a written report and get the feel of where the panel that recommended these changes, are going and upon what basis they have made these.

The *Caymanian Compass* clearly pointed out the lack of time. We met with the experts (the panel that dealt with these documents) on Monday, and unfortunately the time, while it was a good presentation, it was totally impossible at that stage to ask meaningful questions which the panel admitted was the case. As the *Caymanian Compass* stated in its Editorial on the 24th of June, 1991: "Without having studied and digested the Consultant's Report and Government's Plan in detail, most people will hardly be able to go much further than asking a few questions." So what I would like the Member for Education to consider is at a later stage when we have had an opportunity of understanding fully what is in here, that we be given an opportunity at that stage of speaking to the full panel that dealt with this.

I believe that good changes are always necessary for the development, not just of education but of all things and it is really to go through and sort out what is good and bad in this document and to look at the reasoning behind some of the very serious and radical changes on the Report that are necessary. That is going to take some time and after the process of having this dealt with publicly, hopefully we will then be able to speak to the panel of experts who put this together.

I am committed to doing anything that is good for education in this country as I have spent probably about 10 or 11 years of my life, after High School on education. So it is something that I am close to and it lives with me day in and day out. Therefore, I will be looking at the document very carefully and I will be consulting members of the public to get the views of parents, the views of teachers which presumably will be given some latitude within the general orders to make comments, even if these only have to go directly back to the Portfolio, and also of students who are in a position to look at some of these changes, and of the public generally. So, what I am asking is that this document, when it goes out, that the teaching staff and the people involved with education in the Government Schools as well as in the Private Schools be given every opportunity to give an input on this because these are people who are working with education and its problems day in and day out.

As drafted, the Motion is really that we accept that this goes out for national dialogue and that at a later date there will be the final preparation of a Plan which will be brought back to this Honourable House. I have no problem with that motion, I only wish that perhaps, as with all of these motions in which we use Standing Order 24, a little bit more time could have been given to us, however, it is in accordance with the Standing Orders.

So what I will end with is really that the Member permits the public, the teaching staff, and the staff in the Education Department, and to look carefully too at the comments made by the Private Schools because they are a very integral part of the education system and many of them are preparing children who will finally move on to the High School, and as we know they do feed into the Middle School at this stage, and allow the public the proper opportunity at some later time of being able to ask the full panel of experts who assisted the Portfolio in this any questions that they may have on it. I think at the end of that process, once it is followed, we should get a Development Plan which is acceptable to, and also good for the Cayman Islands.

Thank you.

MADAM SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

Thank you, very much, Madam Speaker.

In my presentation, I intend, as I usually do, to be brief in my commentary on these Reports. Nevertheless the Report and the Draft Plan are of such significance that I need to make a few comments. I have been taught that it is customary at the outset, to acknowledge when a presentation is constructive and comprehensive. I remarked earlier to the Honourable Member that I thought his Report and its accompanying Plan was professional, thorough and comprehensive and for the public record and the Hansards of this House, I am going to echo the caveat that I mentioned to the Member then. The caveat is that while we have a good Report and a complimentary good Plan, that is just the beginning of the challenge. The challenge now lies for

us to sell the Plan to the public.

Certainly I observe that there is much that is positive about it, and my colleague who preceded me, the First Elected Member for West Bay, made some comment on issues that concerned us to the effect that we move motions in this Honourable House to seek the redress or address of those issues. I would like to take some matters further by singling out some additional concerns that I see in the Report and in the Plan that we need to pay careful attention to. Most significantly, I would like to begin with the matter of assessments, or examinations. I believe that it is right for us to look more closely at the kinds of exams that we give and to try to arrive at a more relevant set of measurements. But, I caution that I have never been comfortable with using an examination exclusively as a yardstick for measuring the success or maturity of the achievement of children. I think that it was in February when I had occasion to speak at length about education where I outlined my preference, my prejudice of a system called "mastery learning", where the child progresses only after he/she masters a certain level.

I agree that we need to move perhaps more closely in our region, and to this extent I commend the desire to explore the Caribbean Examinations Council exams and the Honourable Member in prefacing his laying the Report on the Table, gave the reasons, so I need not rehash those.

I would also like to suggest that we look at the International Baccalaureate for alternatives and for an extension of the repertoire of external examinations offered to our students. I contend that the students at the top streams in our High School, and it certainly would be relevant at the Community College, could deal with this exam and it would lessen the burden on the Government in the sense that after completing the International Baccalaureate successfully, these students would then only need to do two years at a College or University in order to get a degree. The International Baccalaureate is a well-respected international examination and it is gaining in popularity. Indeed, schools in Florida are now exploring in greater detail these programmes.

I was privileged to be in the audience of the graduation ceremony last evening. I too, as I looked at those young children at 15 years nine months, wondered what is going to become of them and if they have sufficient skills to enable them to grapple and to survive in this hostile and sometimes warlike world that we live in. I was thinking of a programmed which is established in the United States called Outward Bound, with its headquarters in Norwalk, Connecticut and I wonder if, and indeed I have gone as far as to write, enquiring whether there is any chance of an exchange. Because while the programme is indigenous to the United States, I understand that it is not exclusive to American students. It would be an ideal opportunity if we could effect some kind of an exchange between our students, and get them on a programme like this and let them experience firsthand a taste of life and living; what it is like to deal with people who are ethnic minorities, who are underprivileged, who are handicapped; and what it feels like to explore the wide world of the outdoors.

Madam Speaker, I believe that education never ends and to that extent I have problems with the word "graduation". I prefer the American term "commencement exercise", because we continue learning as long as we are alive, and certainly we should strive to learn something new each day.

I welcome the opportunity that the Member has given for public input concerning the Report and his proposed Plans. And I must appeal, as much to myself as to the public, for us not to play politics with this issue because it is not even so much the Member's Plan, as it is the Plan for the Education System of the country. While we may have differences it behooves all of us to lay the selfishness aside and to offer constructive criticism and certainly to refrain from knit-picking and to see how best we can promote this. As a professional educator, a legislator, and as a responsible citizen, I will do my part and I would like again to pledge the Member publicly my support and certainly I intend to make some depositions and presentations in a constructive way, because I believe that that is what is needed. Given then, our mutuality of interests, let me say that I will go forth among my constituents and encourage them to participate and to be involved and to give this Plan a change.

Before I close, let me say that I took special note of the opportunity that the Member promised for us to debate this again. I wish for him, his team and his Portfolio all the best and every success in the promotion of this Plan. I believe that it is long overdue and I am saying that I am personally prepared to help promote those aspects which I think are workable and constructive.

Thank you.

INTERRUPTION 11:00 A.M.

MADAM SPEAKER:

The Second Elected Member for Bodden Town, but before I allow you to speak, Honourable Member, I would draw attention to the fact that it is now 11:00 a.m. and I think that we would need a suspension because that was the time when Question Time should have been closed. So perhaps at this time the Honourable Member might move a Motion.

SUSPENSION OF STANDING ORDERS 23(7)&(8) AND 14(2)

HON. THOMAS C. JEFFERSON:

Madam Speaker, in accordance with Standing Order 83, I move the suspension of Standing Order 23(7) to allow the questions to be taken this morning after the debate is completed. May I also proceed to move the suspension of Standing Order 14(2) to allow me to move the Third Reading of the Exempted Limited Partnership Bill? as this matter is urgent.

MADAM SPEAKER:

The question is that Standing Order 23 (7) and (8) be suspended to allow questions to be taken after 11:00 a.m. I shall put the question. Those in favour please say

Aye...Those against No.

AYES.

MADAM SPEAKER: The Ayes have it.

AGREED. STANDING ORDER 23(7)&(8) SUSPENDED TO ENABLE THE QUESTIONS ON THE ORDER PAPER TO TAKEN AFTER 11:00 A.M.

MADAM SPEAKER: The question is that Standing Order 14(2) be suspended to allow the Third Reading of the Exempted Limited Partnership Bill. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM SPEAKER: The Ayes have it.

AGREED. STANDING ORDER 14(2) SUSPENDED TO ENABLE THE THIRD READING OF THE EXEMPTED LIMITED PARTNERSHIP BILL, 1991, TO TAKE PRECEDENCE OVER PRIVATE MEMBERS' BUSINESS ON THE ORDER PAPER.

MADAM SPEAKER: We will proceed with debate on the Education Report.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, the Motion before the House seeks that we accept the Education Report and Plan as the basis for national dialogue and final preparation for a Five Year Education Development Plan which will brought back to this House for discussion, debate and final acceptance. I find it very easy to support the Member with his Motion and must add that I am glad that the Member has overcome his initial fears which kept this Report under wraps for as long as possible, despite the prodding from Members. And I can understand that he may have feared that there would have been strong objections to the dismantling of the Middle School, and other matters which have been recommended in the Report. Because despite the fact that overall we are told that there is nothing basically wrong with education, the fact remains that the Report which we are dealing with has made some 63 separate recommendations for improvements in the system. And perhaps there are other recommendations that could have been made, it may well be that some of these recommendations may not be followed because the Report is simply that. The experts have identified areas which they think should be changed.

We do know that we have one serious problem in our schools, the problem of discipline. It is my belief that education as a whole has to be not only reorganised to gain the interest and cooperation of parents and employers and all people in the community, but its value has to be sold to the public.

I read in the newspaper this morning that only 20 parents out of a possible 3,000 attended a briefing session which outlined this Educational Report which touches upon the life of every school child and perhaps every family in this country. I am not trying to lay the blame upon the parents, nor upon the teachers, nor upon the educators, nor the Department, nor the Portfolio. Perhaps just one of the signs of the times that the whole fabric of society has changed to where there is an indifference perhaps brought upon by circumstances which are beyond the control of certain parents, beyond the control of the people involved.

It is our business, I believe as Parliamentarians, to highlight these problems because as the former Prime Minister of England, Lloyd George once said, "Parliament not only speaks for the people, Parliament speaks to the people." And we must sound these warnings. Our society is in trouble if we do not get hold of our educational system.

We witnessed last night a graduation ceremony which for its pomp and splendor was perhaps unmatched in any of these Caribbean Islands. But what about the children that did not graduate? I know of one little boy from Breakers, he is a good boy in many respects, intelligent in some areas, but he did not graduate because he lacked the backup which he needed maybe at home, and so has adopted an attitude at school which is not understood by the teachers; and I am not blaming the teachers. These are the things that we can no longer ignore because it only takes a few disruptive children to wreck the whole system.

I would not attempt to go into this massive Report in detail, although I could speak for hours on it without going into great detail. But there are some areas that I think I should mention. My colleague from Bodden Town touched on one of them and that is testing. I see there is to be introduced a system of testing at age 8, 11, and 14 years. While I believe a certain amount of testing is necessary what I think is important is that when the tests are done that the results be examined and that those who failed the test do not be discarded. We know the history in the United States where a few years ago they reached a stage where they were the greatest testers in the world. They had become a plastic, computerised, testing society. Today they still have basic problems in their schools where many High School children are illiterate; they cannot read and write. We must develop in our children not only the skill of reading but the love of reading so that when they leave school they can teach themselves, so that they can continue because as the First Member for Bodden Town said, not in the same words, but education rightly understood is a process that goes on as long as life shall

last.

The Report identified the area of teacher salaries and I believe that we have fallen behind. For generations we have been woefully behind and it was somewhere in the 1970s that these Islands caught up. I remember when applications were put out for 20 teachers that in the United Kingdom the authorities acting for the Cayman Islands received some 1,200 applications. We must bring teachers salaries for the Cayman Islands into line with the rest of the world so that we can attract the best, not merely teachers that are looking for higher salaries but teachers that are coming here just simply because they want to teach here not merely because they are attracted by a salary.

I believe that we have fallen behind, perhaps we were never in line in teacher-training in these Islands and we have to train more young people. The Manpower Survey has identified this as well and perhaps when that is made public, we will see that in the area of education we are sadly lacking in the training of Caymanian teachers. I have nothing against expatriate teachers, but we need more Caymanians that understand the Caymanian way of life, that know the situation in the Caymanian homes, that understand the Caymanian culture. When we train these teachers and they come back, we must listen to them, and we must pay them so that they are not attracted to other higher paying jobs, that they will remain in the profession they had chosen and love.

I am very happy that we do have in our Education Department several ladies who are leaders as educators and they are local women and undoubtedly they will be with us for a long time.

We have to look at developing the curriculum to suit our own environment, to fit the children for the jobs that are available here and I believe that this is one of the main thrusts of the Report. We can no longer look to the United Kingdom as we have done in the past, because the UK has been swept up into the European Economic Community, and they themselves do not even know where they are now.

I also applaud the extension of the school life of the child, bringing the child from three years of age into the pre-schools, although this is not compulsory, I believe that some parents will take advantage of it and many children are able to start learning how to adjust living with, and getting along with other children gradually acquiring some of the basics. The extension at the other end of the line to 16 years and nine months seems to be a much needed one because one of the problems that we have is children going out into the adult world where they quickly adopt the adult habits, lacking perhaps those few years which can keep them on the straight and narrow course.

Education in the Cayman Islands has never been neglected. We have had free education for many years; we have had a High School; we have our College and I believe that we owe a debt to those who have worked so hard in the past, like the Third Member for George Town and the present Member for Education, I think in his own way has tried to do what he believes is right, although I have not always approved of his methods. I must say that I believe that he honestly wants to do a good job in Education. The Government itself, the Parliament has always voted money. Right now we are spending 15 per cent I believe, some figure like that, 14 per cent of our recurrent revenue on education, a large slice of capital expenditure goes to education and I am looking forward to the day when we can spend even more because as I have said before, and I believe the Member for Education quoted me on it once, that if you think education is expensive, try ignorance.

So I will support this Report and I am thankful that the Member has put aside his fears and has finally let us see it.

MADAM SPEAKER:

The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.:

Madam Speaker, I rise to offer my contribution on the Education Review of the Cayman Islands Report and the proposed Five Year Plan which has been laid on the table of this Honourable House just this morning. I feel that the Report is timely, comprehensive and contains some revolutionary changes for the public education system. Most of the recommendations, I feel, are good ones and are basic. I feel, if adopted, will go a long way in improving the quality of education that we make available to the children of these Islands.

One of the recommendations that caught my eye was that it is proposed to build some additional High Schools and that the enrollment at any one school will be limited to 500 students. I think that this is a very constructive recommendation because I think one of the reasons why we have the disciplinary problems that we have in the schools, especially the High School and the Middle School, is that these schools are just too physically big.

I am also pleased to see that the Report recommends (and it was mentioned before that this was brought about by a Private Member's Motion from the Backbench) to extend the school leaving age to 16 years nine months from the present policy of turning kids onto the streets at the age of 15+ to 16 years.

The Report emphasises a very important role, as far as further education is concerned, in the use of the Community College. I think that this is good and what is important for us is that we develop subject areas that are pertinent to our society which will prepare our students and equip them educationally to take their rightful places in our society filling some of the jobs that are available in this country which are now being filled with expatriates.

I am also pleased to see the emphasis placed on the qualification and continuous training of teachers, especially the in-service training that will be made available for our teachers, and also the suggestion of the greater emphasis on proper orientation of our teachers, especially our young Caymanian teachers returning to the system from overseas. I think that it is very important for those young teachers returning to feel welcome, to feel important, and to be reminded and advised as to what their role is in the

educational system in this country. I heard recently of a young teacher who had qualified, had been in the system and was about to leave and certain Members in the Education Department were not even aware that this person was in the system. So I think it is important for our young Caymanians to feel that they are making a very valuable contribution and this must be reflected in the level of compensation and benefits that we make available to our teachers.

I think the time has come where we make the training of young Caymanians to fill the posts and the classrooms a priority. I feel that any Caymanian who has a desire and the academic qualifications to go on to further his education, Government should do everything within its power to assist him financially, to help him recognise and realise his goal of achieving a University education that will equip him as a qualified teacher.

I am also pleased with the recommendation with regard to the establishing of a separate Scholarship Committee that is probably chaired by an independent person, who will be responsible specifically for dealing with requests for scholarships and financial assistance on a timely basis. Because the present system really lacks a lot and many times the poor student has to go off on his own and be enrolled at his own expense before he even hears about whether or not he was successful in being granted a scholarship to further his education.

MADAM SPEAKER: Honourable Member would this be an appropriate time to take a break? Good. The House will be suspended for 15 minutes.

AT 11:33 A.M. THE HOUSE SUSPENDED

AT 11:57 A.M. THE HOUSE RESUMED

MADAM SPEAKER: Please be seated.
Proceedings are resumed. Debate continues on the Motion regarding the Education Review. The Third Elected Member for West Bay continuing.

MR. JOHN D. JEFFERSON, JR.: Thank you, Madam Speaker.
When we took the break I was dealing with some of the recommendations in the Education Report. I think in general the consultants did a good job in analysing the system and in arriving at recommendations which in their view would be practical and effective.

What is important is that when this exercise has been completed that we have a Public Education System that caters to the needs of the students in this country and caters to the needs of the employers, and provides and equips the student with the skills necessary to hold their rightful place in our society. It must produce students who are functional and literate, and it must provide the basic skills that are necessary for our students to go on; those who want to go on for further education that they can qualify for admission into the respective Universities to pursue their individual chosen fields of study.

I am pleased with the approach the Member has taken with regard to the Report; it will be widely circulated in order to give parents and others who are in the community a chance to offer their commentary on the different proposals. And hopefully, after this exercise has been completed the Member would then be in a position to bring back the final recommendations which will be debated and hopefully supported in this House and then put into place.

Education plays a very vital role in any society, but in particular in our society where the opportunities have never been better and the need and demand for qualified, skilled persons has never been greater. If we are going to ever be in a position where we can even partially fill some of these roles with our local people, then we must ensure that they are properly equipped educationally for the task. So I commend the Member for his efforts and I would like to close by saying that he has my support on this issue.

Thank you.

MADAM SPEAKER: The First Elected Member for Cayman Brac and Little Cayman.

CAPT. MABRY S. KIRKCONNELL: Thank you, Madam Speaker.
Madam Speaker, I rise to give my support to the Education Review of the Cayman Islands Report and the Draft Education Development Plan 1991-1996.

I am very pleased this morning that these two documents have been tabled in this Honourable House and I would like to congratulate and compliment the Member for his initiative in getting this Review underway. I would also like to express my gratitude to all those who have been involved in this Review, the consultants both foreign and local, and for the method in which this Review was carried out whereby parents and teachers all, were able to make a contribution. I think that the recommendations that have been made within this Report are good ones, recommendations that are supported by the majority of the people of these Islands.

Madam Speaker, I am grateful that the years at the reception and the Pre-school have been established at three years and I am particularly happy to see that our young people will be allowed to remain in school until 16 years nine months of age. Over the years I have been concerned over the age at which they were graduating from our High School versus the age at which they could be accepted to University. It was a period of time which often allowed the young person to get into a job where money was coming in and they saw prosperity, and being young, not realising the great necessity for tertiary education. I think some of them were maybe deprived the opportunity of today holding higher positions because they went into the

ordinary job field. I think at the age of 16 years and nine months... and if they choose to go on to the Community College for their 'A' Levels, they then will be prepared to go straight to Colleges and Universities overseas. This I think will certainly be a great benefit to the students.

I would also like to say that I am most grateful that the people of Cayman Brac have been fully a part of this review. Also I appreciate that a public meeting was held there last night in order to explain to the people giving them an opportunity to better understand. As others have said, I also think the Member has chosen a very wise format in tabling this Motion here this morning, and having it come back to this House for discussion and debate and the final acceptance. I would like to comment on many of the recommendations, but in view of this and realising that time is of great importance in this House I will not go further into those recommendations at this time, but in the final debate I will have that opportunity.

So with these few words I fully support the Education Review.

MADAM SPEAKER:

If no other Member wishes to make a contribution, may I call on the Honourable Member for Education to reply?

If no other Member wishes to make a contribution, may I call on

HON. BENSON O. EBANKS:

Thank you, Madam Speaker. I would like to thank those Members who spoke, for their support. Those who did not speak I assume also support the Motion and the Reports tabled.

Thank you, Madam Speaker. I would like to thank those Members who spoke, for their support. Those who did not speak I assume also support the Motion and the Reports tabled.

I would just like to touch on a few points raised. First of all I would like to point out that while I have chosen to take the Report and Draft Plan back to the nation for consultation, it is not because they have not had an opportunity to have an input into this whole exercise in the past. As I said in the presentation, there was very wide participation and with your indulgence Madam Speaker, and for the benefit of some Members who seem to have chosen to ignore that aspect of the Report and of my presentation, I would like to read at page 177 of the Review Report, Appendix 2 at Methodology:

"As indicated in the first part of this Report, the methodology was based upon fieldwork and intensive and extensive discussions with the widest possible range of interest and opinion within the Cayman Islands. Thus intensive discussions were held with every level of the Political and Administrative Directorate of the Government, which included dialogue with all Portfolios and Departments and in particular with the Department of Health and Social Services, and a sustained and detailed series of meetings with the Member for Education, Environment, Recreation and Culture, the Principal Secretary, the Chief Education Officer and the staff of the Portfolio and the Department. Detailed discussions were held with key representatives of the private sector including banking, tourism and commercial interests, and all the main professional associations were closely consulted.

Most importantly, parents and students themselves, and the teaching community, the principal actors in the sector, were fully drawn into the Review. Visits were made to every Government school and every private school. The community at large also participated in an open interactive discussion on local radio and by making a number of informal individual contributions to the consultants.

In addition to all schools and educational institutions and representatives of government and of Advisory Councils and Boards; representatives of commercial, financial and cultural interest included a number of discussions with representatives of the Chamber of Commerce, Building Contractors Association, Cayman Free Press, Investment Management, Retail and Marketing, The Restaurant Association, The Insurance Managers Association, Cable and Wireless, the Hotel and Condominium Association, The Medical and Dental Association, travel agencies, The Society of Professional Accountants, The Bankers Association, architects, engineers and surveyors, The National Trust and The Cayman National Cultural Foundation, The Agricultural Society, Netball and Football Association Sports Co-ordinator, and the Joint Executives of the Parent/Teachers Associations."

Madam Speaker, if opportunity is given for participation in the process and it is not taken advantage of by Members then I cannot be held responsible.

On two occasions that I know of, a function was held to introduce both the main consultant and Dr. Broomes when he came. Invitations were sent to every Member of this House, and I could have counted the number of attendees on one hand (and had fingers left), and if those Members are going to come here and talk about their time to have input... I have not harboured any fear about the contents in this Report and I want to assure the Second Elected Member for Bodden Town that that was not the reason why the Report was not brought here before. It is my belief that this Report has 90-95 per cent endorsement by the public, so I do not have any problems with what the public is likely to say about it.

I would just like to point out that if I had been as afraid of dates and deadlines as some people, maybe I would have been concerned about some of the dates on the Report and Plan, but since that is not a preoccupation with me, I have no problem with the fact that the Education Review is dated September 1990, but that it was only delivered to the Portfolio in November 1990. Similarly, the Development Plan dated 15 April, 1991, was only completed either late in May or early June. But, it is here and I have a clear conscience about it and I know that I responded to the consultants whenever I had an opportunity. I do not have any guilty conscience that I evaded meeting them when I was invited to do so. I have no intention of making people who took that route disrupt the introduction of the Report now. Consultation as necessary will be had and

as I said, I am satisfied that it will get wide acceptance.

There are really no major points raised that I have problems with. One that seemed to ring throughout the presentation was certainly the question of teachers' salaries. I believe that Members are aware that this has been a long-standing complaint and it is not so much the level at which teachers are remunerated, the problem is rather with the starting point in the scale as outlined in the Report. For reasons best known to those who set salary scales, teachers start at a considerably lower salary than other graduates returning to work in the Civil Service. This has been a constant irritant in the profession. This was argued during the last Salaries Review and some steps, we were successful in getting some way in equalising that, but not sufficiently. I am hopeful that we will eventually succeed in getting that straightened out.

As regards the independent Scholarship Board, I do not have any problem with that. Those who know me know that I like to put distance between myself and Boards of that nature. One only needs to look at the Community College Law which I piloted through this House, and see that that certainly is a Law that gives great latitude to the Board. The reason why the Member for Education is presently Chairman of the Education Council is because of the 1983 Education Law; it places that responsibility on him.

With respect to the workings of the Board, the last speaker the Third Member for West Bay, I believe said that the grant of scholarships at the moment was not working very well, that some children had to go off on their own before they could learn whether they would receive a scholarship or not. Whenever that happens it is because the applicant obviously expects the Council to process their application overnight. We have just drafted new guidelines which require all applicants to have their applications in before 31 March annually, in order to give the Council proper time to process the applications. This was given wide publicity, still students, and some students picked up applications as early as last year when this was known, brought them in after the deadline. Although they have been processed, I do not see how the blame for that can be placed on the Board or the Council.

There are other cases of course where some applicants do not have the required minimum qualifications for a scholarship and they go off on their own and if they succeed, then they can be treated as mature students and may possibly be given a scholarship. Maybe that is what is being mentioned, I am not sure. But that again is following procedure as laid down, it is no secret, it is there for all to see. They know what the requirements are.

I am happy for the general acceptance given by Members. I would only want to call attention also to Appendix 4 - Bibliography. It will be seen there that some 10 previous documents relating to the Education System in the country were consulted during this Report. I would particularly like to call attention to the Review of the Education System in the Cayman Islands by Mr. K. Brooksbank and Mr. R. Eyles in 1981. This is 1991, and to the best of my knowledge that Report has never been tabled in the House or seen the light of day. Maybe some Members who are complaining about a month or so before this Report was made due could explain why those reports were never tabled or made public.

I want to give the teaching profession, both private and public, the assurance that their input will be sought as it has been in the past. I value their input, also that of Members in the Department, and of course it goes without saying that they need not fear that I would mete out to them treatment that might have been meted out to some people in the past when they were asked to give opinions and that opinion did not coincide with the opinion of the then Member. I believe in free expression and will welcome opinion from everybody.

Having said that, I want to thank the Members and to express the view that we can get on with processing this Report and Draft Plan to the benefit of the country, that we can do it in a non-partisan way and that we would all put our shoulders to the wheel and make this thing a success.

I could not help but reflect when mention was made of the graduation ceremony last night and also to acknowledge what some previous speakers have said, and with what I said in my introduction, that is that all is not lost with the system as it is. As I said when this consultancy was beginning, I regard it as an exercise to make a good or reasonable system better. But on the question of the graduation, the thing that struck me last night (and of course maybe because I have a little bit more insight into the workings) was the fact that to my knowledge we were witnessing the graduation of at least one student because of handicaps who - and this was the first student in my opinion - up until now would not have had that opportunity. There was another one I gather, whose hearing was impaired and had been taken through the system and there was another who - I am not going to say too much in this regard - but it gave me a lot of joy to see that person receiving a certificate in the top group because too, if it were not for the (shall I say innovative?) approach by the same Council that came in for stick a little while ago, we would not have seen that individual succeed either. And for those things I am very pleased and happy.

Madam Speaker, we have a lot to do so I am not going to go on on that anymore, just to thank Members and to commend this Report and the Plan to the country.

Thank you, very much.

I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM SPEAKER:

The Ayes have it.

AGREED: THAT THE EDUCATION REVIEW OF THE CAYMAN ISLANDS REPORT 1990, AND THE DRAFT FIVE YEAR EDUCATION DEVELOPMENT PLAN 1991 TO 1996, BE ACCEPTED AS THE BASIS FOR NATIONAL DIALOGUE AND FINAL PREPARATION OF A FIVE YEAR EDUCATION DEVELOPMENT PLAN WHICH ITSELF WILL

BE BROUGHT BACK TO THIS HONOURABLE HOUSE FOR DISCUSSION, DEBATE, AND FINAL ACCEPTANCE.

MADAM SPEAKER: We will continue the Order of Business, Questions to Honourable members. Question No. 144, by the First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS

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

NO. 144: Will the Honourable Member say what plans the Government has regarding the provision of piped water for the Bodden Town area?

ANSWER: The Government and the Water Authority are aware of the need to provide all of the Cayman Islands with a safe potable water supply. This Government has taken steps to ensure that the development of this sector proceeds at a proper and orderly pace and in such a manner as to be of little or no burden on the Government Treasury.

A project to extend the water supply east, from its termination point at Spotts, Newlands, to Pease Bay, supplying all properties en route, has been designed and was submitted by the Water Authority to Government in December 1990. This proposed project has been subsequently reviewed by the Economic Development Unit whose report was produced in April 1991 which was considered by the Public Sector Investment Committee on 14th May, 1991.

The Public Sector Investment Committee has not yet submitted its final report to Government, but it has indicated that it supports the project and it is understood that this is the recommendation that it will make to the Honourable Financial Secretary.

The Government believes that this is a worthy project that should proceed, as a matter of urgency, to this rapidly growing area, particularly as the indications are that the Water Authority will be in a position to meet the operational and debt service costs from revenue earned.

SUPPLEMENTARIES

MADAM SPEAKER: The Elected Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, I wonder if the Member could say whether there are future plans to go beyond the Pease Bay area with piped water?

HON. LINFORD A. PIERSON: Yes, Madam Speaker, but this will depend on the feasibility of the project at the time.

MADAM SPEAKER: Elected Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, I wonder if the Member could say whether or not there is a feasibility study at present in the area?

HON. LINFORD A. PIERSON: I take it that the Member is referring to the East End area. If that is the case, there is no feasibility study done on that area at this time but it is proposed to do so in the near future.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, may I ask the Member if the Water Authority has yet explored the means of raising the capital funds for this project?

HON. LINFORD A. PIERSON: Yes, Madam Speaker.

MADAM SPEAKER: We will proceed to the next Question No. 145, standing in the name of the First Elected Member for Bodden Town.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 145: Would the Honourable Member say what is the normal response time for requests and/or complaints received by the Public Health Department?

ANSWER: I am assuming that the Honourable Member is referring to the Environmental Health arm of the

Public Health Department. The Environmental Health Department responds to complaints and requests as soon as possible after these have been received. In most cases, requests and complaints are responded to within 24 hours.

SUPPLEMENTARY

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I would like to ask the Honourable Member how punctually, in cases where the services of an Environmental Health Officer are requested to examine an area, or to examine a specific site with regards to a complaint, are they dispatched?

HON. D. EZZARD MILLER: As soon as one is available, Madam Speaker, but we try to do it at all times within 24 hours.

MADAM SPEAKER: If there are no further supplementaries, we shall proceed to Question No. 146, standing in the name of the First Elected Member for Bodden Town.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 146: Would the Honourable Member state how many responses to emergency has the new ambulance service, operating out of North Side, made to date?

ANSWER: The new ambulance service operating out of North Side has made 45 emergency responses to date (13th June, 1991). In addition, it has transported 6 patients to the George Town Hospital in less emergent situations.

SUPPLEMENTARY

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member is in a position to provide a breakdown as to the geographical areas in which these responses were made?

HON. D. EZZARD MILLER: No, Madam Speaker, but I would undertake to provide that information in writing.

MADAM SPEAKER: The next Question is No. 147, standing in the name of the First Elected Member for Bodden Town.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THE SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION

NO. 147: Would the Honourable Member say what is Government's policy regarding the recruitment of Caymanian Magistrates?

ANSWER: Magistrates are appointed by the Governor pursuant to section 6 of the Summary Jurisdiction Law. As this is an appointment to a public office, it is one of the matters reserved to the Governor by the Constitution, and upon which he is not obliged to consult Executive Council.

When vacancies arise in judicial and magisterial posts, His Excellency consults the Chief Justice and gives first consideration to appointing a suitable Caymanian candidate if one is available and willing to accept appointment. To this end His Excellency causes such potential candidates to be sounded out.

His Excellency asks me to state that he very much hopes that any suitable Caymanian will feel able to offer himself or herself when there is next a vacancy.

I should like to take this opportunity of telling the House that great efforts are being made to involve Caymanian Justices of the Peace in the administration of Justice, and that it is hoped that sessions of the Summary Court comprising lay Justices will become a regular event. Not only does this relieve the Magistrates of some of their work load, but it directly involves prominent Caymanians from all walks of life in the administration of Justice.

SUPPLEMENTARIES

- MADAM SPEAKER:** Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Madam Speaker, Would the Member say if there is any particular qualification for Caymanian persons to have which would qualify them for the post of Magistrate?
- HON. RICHARD W. GROUND:** Section 6 of the Summary Jurisdiction Law requires that a person, a candidate for the post of Magistrate have five years post-qualification practical experience, as a lawyer that is.
- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** In sounding out Caymanian persons who are legal practitioners, has there ever been any instance where a Caymanian person has expressed an interest in assuming this post?
- HON. RICHARD W. GROUND:** I believe not, but I do not know for sure.
- MADAM SPEAKER:** The Third Elected Member for West Bay.
- MR. JOHN D. JEFFERSON, JR.:** Thank you, Madam Speaker.
In light of the answer given by the Member, I wonder if the Member could say how often the term of office is reviewed, as for the Magistrate?
- HON. RICHARD W. GROUND:** The two existing Magistrates are, I believe, both on contract and I believe that to be a three year period of renewal.
- MADAM SPEAKER:** We shall proceed to the next Question No. 148, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

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

NO. 148: Would the Honourable Member say how much money has been spent to date on the implementation of the Agricultural Development Plan, and what are the areas of expenditure?

ANSWER: Phase I of the implementation of the Five Year Agricultural Development Plan (ADP) commenced in March 1991. The sum approved for Phase I under subhead 41-009 - Farm Development, was \$917,900.00 as outlined in the Estimate of Revenue and Expenditure for the Cayman Islands 1991, page 160. The total warrant released to date is \$255,000.00. As of 14th June, 1991, the sum of \$56,093.00 in expenditure was actually incurred.

The following is a breakdown of the areas of expenditure:

Office Furniture	\$	5,318.00
Office Equipment (computer and accessories, typewriter, etc.)	\$	4,596.00
Office Supplies	\$	297.93
Salary (two long-term technical support staff and an administrative officer)	\$	23,895.45
Relocation Expenditure	\$	1,322.21
Two Vehicles	\$	18,883.54
Agricultural Development Plan - Public Education	\$	1,780.00
Total:	\$	56,093.13

SUPPLEMENTARIES

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: As I recall, the capital budget for Government for the year 1991 required the borrowing of some \$12.5 million. I wonder if the Member could confirm whether or not the warrant that has been released consists of borrowed funds, or funds that have been generated from local revenue?

HON. LINFORD A. PIERSON: These are funds generated from local revenue. Funds have not yet been finalised for the borrowings.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Could the Member say what role or what jobs, duties, or functions do the two long-term technical support staff and the administrative officer actually perform?

HON. LINFORD A. PIERSON: Madam Speaker, for the ADP there is a unit called the Plan Implementation Unit and that is headed up by Dr. Taft, who is the Plan Co-ordinating Chairman of that committee and in addition we have a high-tech agronomist who is assisting farmers, Mr. Josephs, so this is basically the cost of that. The administrative officer is a helper within the office.

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: I wonder if the Member could say where the staff for this Plan is being housed?

HON. LINFORD A. PIERSON: They are temporarily housed in the Government Administration Building, to be moved to the Tower Building shortly.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, would the Member say if the two vehicles purchased are two in addition to what was previously owned by the Department, or did one replace the one that was destroyed by a member of staff in an accident?

HON. LINFORD A. PIERSON: Madam Speaker, these are two additional new vehicles.

MADAM SPEAKER: May we proceed to Question No. 149, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

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

NO. 149: Would the Honourable Member say when will the Motorola radio system be installed in Cayman Brac so that the Police Station on the Island, when unmanned, can transfer calls to police officers in the field?

ANSWER: As of Friday, 17th May, 1991, a call-forwarding-system was installed and operating at the Creek Police Station. This system has the capability to transfer calls to a designated police radio in the field when the Police Station is unmanned.

HON. LINFORD A. PIERSON: That is the answer Madam Speaker, but in commenting on this I would mention that some time previous to this the Member had asked a similar question and the answer to that referred basically to the radio transmission and not the normal single side band transmission that was in operation at the time.

SUPPLEMENTARIES

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, I would not swear to it, but I think that in the original question which I wrote it should have said "calls to police cars in the field". Is there any equipment which switches calls to the police cars in Cayman Brac, as the contract with Government I understand, was supposed to provide?

HON. LINFORD A. PIERSON: Yes, Madam Speaker, this is the answer that I have just given to the substantive question. This is the way that operates.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little

Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, is the Member saying that this equipment now switches those calls to the police car radios, or does it direct calls to the officer in charge, and it means that he has to be on duty 24 hours a day if he is to reply to all of them?

HON. LINFORD A. PIERSON: Yes, Madam Speaker, it is my understanding that calls are now switched to a hand-held radio that would be kept by the police in their cars.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: If that radio is being kept in the cars, has that been since the Principal Secretary for the Portfolio visited there a few weeks ago, because at that time it was with the officer in charge only?

HON. LINFORD A. PIERSON: Madam Speaker, to the best of our knowledge in the Portfolio, that statement is incorrect.

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, would the Member then say what is the correct statement with regard to transmissions of radio or telephone calls to the Cayman Brac Police Station?

HON. LINFORD A. PIERSON: Perhaps it might assist the Member if I could take a little time to explain the detailed procedure that is carried out, that is the process that takes place when telephone calls are transferred to the officers radio.

When a resident dials the published emergency number 999, an officer in the Station would normally answer the call. If the officer is not in the Station, the call is transferred to the officer's radio after it has been ringing in the Station for approximately 20 seconds - which is usually five ring cycles. When this transfer occurs, the officer's radio emits a ringing sound which indicates an incoming telephone call. To answer the call, the officer presses a button on the side of his radio. The officer may then speak with the person who placed the telephone call. When the information has been exchanged the officer presses the same button on the radio to hang up the call.

MADAM SPEAKER: The next Question No. 150, standing in the Second Elected Member for Cayman Brac and Little Cayman.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 150: Would the Honourable Member outline the factors which determine whether the Social Services Department provide monthly welfare assistance to a citizen?

ANSWER: In examining any request for temporary or extended financial assistance, all aspects of the person's circumstances are looked into and the final assessment is based on the financial, medical and general background information gathered on the individual and his or her family by the assigned Social Worker.

Factors taken into account include:

- (1) The person's ability or inability to meet their daily living expenses on whatever income they may have.
- (2) The family's ability or inability to provide support to their relative.
- (3) The person's health, either physical or mental and how that affects their ability to meet their needs. (In addition, consideration is given to whether the health condition is of a temporary or permanent nature).
- (4) The person's assets, e.g. land, savings, and their ability to utilise such assets to meet their needs. At times this may be practical and possible; at other times not, due to other family claims in regard to land.
- (5) Age is only considered a factor when it relates to the person's physical ability or inability to provide for themselves. It is not the main determining factor.

SUPPLEMENTARIES

MADAM SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman.

- MR. GILBERT A. McLEAN:** Could the Member say if there is any type of checklist which is standard and used by the Social Services Office in collecting the data?
- HON. D. EZZARD MILLER:** Yes, there is a Financial Application form, but it does not contain limits in finances.
- MADAM SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Would the Member say if the Social Services Office provides assistance to persons on the completion of these forms, or is it left purely to the applicant?
- HON. D. EZZARD MILLER:** On the completion of the form, if in the opinion of the social worker the person deserves financial assistance, it is given.
- MADAM SPEAKER:** The Elected Member for East End.
- MR. JOHN B. McLEAN:** Madam Speaker, I wonder if the Member could say approximately how long it takes before this examination is completed and a grant awarded?
- HON. D. EZZARD MILLER:** Madam Speaker, I do not have a specific time but I would think that the areas outlined for review should be able to be completed within two or three days.
- MADAM SPEAKER:** The next Question No. 151, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

- NO. 151:** Would the Honourable Member say if a surgeon has been found to replace Dr. Kools whose employment was recently terminated?
- ANSWER:** No permanent replacement for Dr. Wilhelm Kools is being sought at present. Instead, two very experienced Senior Surgeons from Canada have been providing temporary coverage. This temporary coverage is anticipated until March 1992 which will give the Hospital Administration sufficient time to recruit a suitably qualified and experienced Chief Surgeon.

SUPPLEMENTARIES

- MADAM SPEAKER:** The First Elected Member for West Bay.
- MR. W. McKEEVA BUSH:** Can the Honourable Member say what this temporary service is costing?
- HON. J. LEMUEL HURLSTON:** No, Madam Speaker, I do not have that information.
- MADAM SPEAKER:** The First Elected Member for West Bay.
- MR. W. McKEEVA BUSH:** Madam Speaker, could the Member undertake to get that as soon as possible?
- HON. J. LEMUEL HURLSTON:** Certainly.
- MADAM SPEAKER:** The next Question No. 152, standing in the name of the Third Elected Member for West Bay.

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

- NO. 152:** Would the Honourable Member confirm if it is a fact that the air-conditioning at the West Bay Town Hall, which is being used to house classes for the John A. Cumber Primary School, has not yet been completed for use?
- ANSWER:** It is a fact that the new air-conditioning system at the West Bay Town Hall has not yet been put into operation.

SUPPLEMENTARY

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: I wonder if the Member could say what the hold-up is?

HON. BENSON O. EBANKS: Madam Speaker, the system was effectively completed five months ago, that is it was installed into the building. The system required Three Phase electricity which was not available to the building at that time and required an additional transformer which entailed the planting of another pole. It is the electricity which has delayed the putting into operation the system.

It is my understanding that this is not only, shall I say a delay occasioned by the power company, as it also involves Public Works having been assigned to design a new traffic flow around the Town Hall and this pole was involved in the area where the new traffic flow was to go.

Having said all of that, I would like to point out that the Portfolio was unaware that this delay was occurring until we visited the school some three or four weeks ago. And I can also report that the electricity was hooked up to the system about 10 or 12 days ago.

MADAM SPEAKER: The next Question No. 153, standing in the name of the Third Elected Member for West Bay.

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

NO. 153: Would the Honourable Member please advise when it is expected that the new classrooms will be ready for use at the John A. Cumber Primary School in West Bay?

ANSWER: It is anticipated that the four classrooms now being built as Phase I of the West Bay Infant School will be ready for occupancy in September 1991.

SUPPLEMENTARIES

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: I wonder if the Member could confirm whether or not plans have been made to have these classrooms air-conditioned?

HON. BENSON O. EBANKS: To the best of my knowledge, no air-conditioning has been included in the plan.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member say whether there is sufficient ventilation in the buildings to deal with this lack of air-conditioning?

HON. BENSON O. EBANKS: Madam Speaker, the question of the sufficiency or otherwise of ventilation, is a matter for the Building Department of Public Works, that is in Government. The actual architectural work and engineering is done by Public Works. But I should say that it is not a policy of Government to air-condition classrooms.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Can the Member say whether the school was built with the view of having air-conditioning?

HON. BENSON O. EBANKS: I just said that it is not Government's policy to air-condition classrooms, so I would very much doubt that they were designed to have air-conditioning.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Can the Member say how many windows the classrooms have?

HON. BENSON O. EBANKS: Not with any degree of certainty, but I believe it would be three or four windows.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Did the Member go to see the school?

HON. BENSON O. EBANKS: Yes, Madam Speaker.

MADAM SPEAKER:
Elected Member for West Bay.

The next Question No. 154, standing in the name of the Third

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

NO. 154: Would the Honourable Member advise this Honourable House of the status of the proposed renovations to the George Town Hospital for which \$1.5 million was allocated?

ANSWER: A contract for architectural services for a master plan and design of a trauma centre, a new surgical unit and a new post operative recovery area, plus improvements in the operating theatres and intensive care unit was awarded to the firm of Chambers Gibbs Martin & Joseph on 20th December, 1990. The contract was signed on 12th April, 1991, and the work is scheduled to be completed by 15th August, 1991.

Following the completion of the architectural work, a contract for the construction of new buildings and renovation of some existing buildings will be tendered in September 1991.

SUPPLEMENTARIES

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: Madam Speaker, in the answer provided the Member said that the construction contract will be tendered in September 1991. Once that process has been completed, how long does the Member envisage its completion?

HON. D. EZZARD MILLER: That is difficult for me to judge at this point, not having seen the plans.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Can the Member say what will be the purposes of these buildings, the surgical unit, the recovery area, what will be the purpose of those units once the new Hospital is built?

HON. D. EZZARD MILLER: It is planned that the surgical unit, the operating rooms, the recovery area will be used as an ambulatory or day surgery centre and the surgical suite could probably be used as a cancer or AIDS hospice.

MADAM SPEAKER: The next Question No. 155, standing in the name of the Third Elected Member for West Bay.

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

NO. 155: Would the Honourable Member please advise of the total cost of the road repairs in the vicinity of the Lion's Centre?

ANSWER: The cost of the repairs to the Crewe Road in the vicinity of the Lion's Centre was CI\$136,359.87.

SUPPLEMENTARIES

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: I wonder if the Member could say whether or not there are any plans to maybe add an additional coating there?

HON. LINFORD A. PIERSON: Yes, Madam Speaker, but I would elaborate a little on this. The original budget for this work was \$115,000 but was meant to repair a shorter stretch of road. However, because of the disruption caused to businesses and traffic in the area it was decided to repair a longer stretch of road and to just do the spray and chip. But it is planned to ask for an additional \$85,000 in the 1992 Estimates to provide proper hot-mix and asphalt surface to the total road.

MADAM SPEAKER: The Elected Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, I wonder if the Member could say whether or not on the east end of that stretch of road there is a portion that is in the same state as the piece that was just dug

up?

HON. LINFORD A. PIERSON: Madam Speaker, it is my understanding that part of the road further east is in a pretty bad condition, but due to the limitation of funds we were unable to continue any further with it. But we will be looking at that also for the 1992 Estimates.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Madam Speaker, can the Honourable Member say what is the length of this piece of road?

HON. LINFORD A. PIERSON: The total length repaired was around 1,500 feet as opposed to the initial estimates for something like 800 feet or 900 feet that was originally planned to be repaired.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Thank you, Madam Speaker.
Does the Member think that \$85,000 will be enough for hot-mixing when we have spent \$136,000 for chip and spray?

HON. LINFORD A. PIERSON: The \$136,000 was not just for the chip and spray, it was for building the road. But to answer the question, I have been reliably informed by the engineers at Public Works that the \$85,000 should do the job.

MADAM SPEAKER: That concludes Question Time for today. The House will be suspended until 2:15 p.m.

AT 1:10 P.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 2:15 P.M.

MADAM SPEAKER: Please be seated. Bills - Third Reading, in accordance with suspension of Standing Order 14(2).

GOVERNMENT BUSINESS

BILLS

THIRD READING

THE EXEMPTED LIMITED PARTNERSHIP BILL, 1991

HON. J. LEMUEL HURLSTON: Madam Speaker, on behalf of the First Official Member I beg to move the Third Reading of The Exempted Limited Partnership Bill, 1991.

MADAM SPEAKER: The question is that The Exempted Limited Partnership Bill, 1991, be given a Third Reading. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM SPEAKER: The Ayes have it.

AGREED. THE EXEMPTED LIMITED PARTNERSHIP BILL, 1991, GIVEN A THIRD READING AND PASSED.

MADAM SPEAKER: Other Business - Private Member's Motion No. 9/91 - Drugs Patrol, moved by the Elected Member for East End.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 9/91

DRUGS PATROL

MR. JOHN B. McLEAN: Madam Speaker, I beg to move Private Member's Motion No. 9/91, which reads as follows:-

"WHEREAS hard drugs are definitely a problem in the Cayman Islands;

AND WHEREAS certain areas have been identified as "drop-off" points here in Grand Cayman;

AND WHEREAS one of these secluded areas, which includes very little development, is on the Queen's Highway and is used as a convenient "drop-off" point;

AND WHEREAS another area is the West Bay coastline;

BE IT NOW THEREFORE RESOLVED THAT the Government take the necessary positive action to have the area patrolled frequently by Police Officers;

AND BE IT NOW FURTHER RESOLVED THAT this patrol be carried out on land and sea in the areas identified."

MR. W. McKEEVA BUSH:

Madam Speaker, I second the Motion.

MADAM SPEAKER:
open for debate.

The Motion has been duly moved and seconded and is now

MR. JOHN B. McLEAN:

Madam Speaker, the Motion is self explanatory. It is a fact that hard drugs are a very serious matter in these Islands. This short Motion is very important as it deals with what destroys the very heart of these Islands, our youth. I know that this action, if this Motion is passed, will not fully eradicate the drug-trade or the use of drugs in the Cayman Islands, but it is my view that it certainly could slow it down in the area mentioned. Many young lives have been damaged or destroyed by the use of hard drugs and it is my view that we, as the peoples' representatives must do whatever possible to try to stamp out drugs in the Cayman Islands.

I have previously made suggestions to those concerned with law enforcement with regard to this serious problem. I am aware that this monster is nothing easy to conquer, but again I believe that more could be done to curtail it. I would also point out that on more than one occasion I have discussed this matter with His Excellency the Governor and I must say that he was quite receptive to my complaint.

Let me say at this point that I am not saying that the Police Force is not doing a fair job, I am not saying that they do not carry out patrols in the areas which I have mentioned, but it is my belief that if the proper machinery is put in place they would be able to do much more. I am aware that the job of the Police is not an easy one, especially in the area of drug enforcement. This is why I would say that they need the best equipment to work with and it is from this point of view that I have offered this Motion with the hope that my fellow legislators would see fit to assist me and at the same time to assist the country in trying to stamp out drugs.

Madam Speaker, it is very stupid to think that we can give our police officers a boat, for example, like a Bertram which is a luxury craft, to go out and to try and intercept those who are well-prepared for the drug trade and perhaps those who will be equipped with a steel-hulled boat. I say this for what it is worth because a few days ago, in an answer to a parliamentary question, we were told by the Third Official Member that at present the Police would be searching for a new craft. It is my hope that this time we will not repeat a mistake which was made some time ago and the necessary expertise will be put into it and perhaps the views of some of our well-seasoned sea captains in Grand Cayman and Cayman Brac alike, and that we will come up with something which will be right and something that will be more protective to our officers in the case that they have to intercept those in the drug trade.

It is a proven fact that this trade is one of the largest in the world. It is a fact that those engaged in the trade are there purely for money and the equipment which is used for this sort of thing is hard to be matched by those who need to enforce the laws.

I believe that when certain drop-off points are identified that the suggestion in this Motion will help to curtail the traffic at least at those points. I would also suggest, as I have in the past, especially in the sparsely populated areas such on the Queen's Highway, that more street lights be put in place. I believe that this will act as a deterrent to those who engage in the trade. Again, I will have to say that many times I have approached those in power for assistance to have the lights established out there and I am sure that my friend from West Bay, the First Elected Member, has done likewise. But as is said, it is never too late to do good so I trust today that this Motion will do whatever it takes to have patrols and the area lit, as I have requested now and in the past.

I, as father of three children, have been very concerned over drugs in Cayman, not only for my kids but indeed for the kids of this country. It is very heart-wrenching to see many times those who were very well-educated, with lots of potential actually go to the bottom of the pit because of the use of hard drugs.

Not only is damage done to the individuals but if we look at it from a long-term point of view, damage will be done to the country. I believe that these things have to be taken into consideration and again I am asking Honourable Members to offer their support to this Motion and let us look at it from a point of view of forgetting the individual who is putting the Motion forward. Let us look at the seriousness of the drug problem in the Cayman Islands; let us deal with the matter as legislators who represent this country; who represent the people of this country; as those care about the youth of this country; and not as individuals who speak of writing off a generation. We cannot afford that. We are constantly preaching that we do not have enough

Caymanian help so we cannot afford to write off a generation, we need to encourage them to do better, and we need to try our endeavoured best to make it better for them.

I believe that I will probably hear from Government that this Motion will be committing the country to spend funds. This may be so, but my view on this matter is money spent in this way is money well-spent. I cannot and I will not accept that as any excuse.

I believe that the only extra expenditure that we will have with regard to this Motion will be for the purchase of a craft to patrol around the Island. And like the question which was answered here a few days ago, it is quite evident that those funds will be spent in any case, so what will the other expense be? I cannot see where it will be in anyway committing the country. The police officers are already in place, the patrols are being done, as I mentioned earlier, it is just a matter of asking that we have more frequent patrols.

In any case I believe that every Member in this Legislative Assembly is here with the idea of trying to eradicate drugs and that if such a matter was referred to our Finance Committee for funds which would be necessary to put this in place, I believe that it would be passed unanimously.

At this point I am going to ask for the full support of the Legislative Assembly and I recommend this Motion to my fellow colleagues.

MADAM SPEAKER:

The Honourable Third Official Member.

HON. J. LEMUEL HURLSTON:

Madam Speaker, Private Member's Motion No. 9/91 calls on the Government to do two things.

Firstly to take necessary positive action to have identified areas know as drop-off points patrolled frequently by police officers and secondly, that such patrols be carried on land and sea in the areas identified. There can be no doubt that illegal drugs have been, and continue to be a major problem for the country. Any Government would therefore find it difficult to disagree with the spirit behind this Motion. There can be no doubt that there are areas known to the Police and residents as well, that are identifiable as drop-off points. Drop-off points tend to be areas that are not very well populated, not very well lit, not very well patrolled, consequently, persons engage in the drug trade will take advantage of those points to engaged in their illegal activity. Many of these drop-off points are well-known and there can be no doubt that there are such points in the eastern district as well as in other districts.

The Police contend that the essence of drug interdiction has to be predicated primarily on ensuring reliable information. It is impossible to police every square yard of property at all times, therefore, one has to pragmatic in assigning the resources available. To make the most effective use of those resources one has to have some strategy. The strategy in law enforcement that is found most effective is to act upon reliable intelligence information. This is borne out in the fact that even without Marine Resources the Police Force continues to effect drug interdiction operating on the basis of intelligence. There can be no doubt however, that patrols do act as deterrents and to that extent there can be no denying that patrols have their role to play.

The Member moving the Motion rightly recognised that there is the possibility of someone interpreting Government's acceptance of this Motion as committing the Government to incurring certain expenditure which would be ultra vires in relation to Standing Order 24(2). The Government is therefore going to ensure that the *Hansards* reflect that in accepting the Motion, there is a clear proviso that the Government is not committing itself beyond its existing approved Budget and any other resources that might legitimately be made at its disposal during the course of 1991.

The House is aware that the Department has no regular marine capability at the moment and that efforts are being made to redress and put right that defect. Until such time as that is done, the necessary funds are made available. I regret that the Government cannot be pre-committed to undertaking maritime patrols without first acquiring the necessary resources.

With the clear understanding, therefore, that the Government will do everything that it possibly can to carry out the spirit and the intent of Private Member's Motion No. 9/91, the Government is pleased to agree to the motion.

MADAM SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

Thank you, Madam Speaker.

I rise to offer my support to Private Member's Motion No. 9/91. In doing so I crave the indulgence of the Chair to make a few points. I am reminded of something that I read no too long ago of one agent's experience and frustration in the drug enforcement service, and it was entitled "Deep Cover". Indeed this agent was reputedly one of the best in the United States and he had a commitment, based not only on the fact that his own brother was a suicide victim as a result of his use of drugs, but because this agent had a deep sense of commitment and a conscience which constantly pricked him to the effects of drugs ruining so many people, not only on the streets of his native New York, but throughout the world. Unfortunately his frustration with the authorities and their tokenism and lack of commitment led him to realise that the numerous times that he laid his life on the line did not mean a thing, because it struck him like the authorities had no intention of fighting the battle where it should have been fought.

As I listened to the Third Official Member replying for the Government, I thought much of the same thing exists here. We are saying that we want to win the war against drugs, but we are not realising that to win such a war, the war must be conducted as a multi-fronted campaign. And why are we afraid of spending money on such a cause, because I contend there are few more worthy causes

in this country at this time.

I want to comment on the reliability of citizens, or what the Member replying for the Government called "intelligence". We need to understand this: In the annals of the underworld there is such a thing called "omerta", some people call it a "code of silence". Effective law enforcement realises that for more than one reason we can not often depend on people volunteering information. There is always the threat of reprisals and repercussions against the person volunteering the information, or members of their family. There is also the possibility that they may be bought off. They may be present when a certain transaction takes place and will not come forward because someone offers them some money not to see anything, or to conveniently forget, or to not be at the spot.

I know that we are all honest, forthright and upright people in the Cayman Islands, but I am saying that it is patently fallacious to build any coherent policy on these kinds of things because it takes too much for granted. We are fortunate that a few weeks ago some honest, responsible and respectable citizens in Bodden Town found some cocaine floating and turned it in. Those are the cases that we have heard about. I am sure that was not the only cocaine that drifted along the shores of the Cayman Islands. That is haphazard, we cannot rely on that, that is an absence of policy and we will not win the war.

I do not know what to say about the lack of marine equipment suitable for interdiction. Heaven knows, I am frustrated. And in this regard I have to mention that the people responsible for these kinds of affairs of our country are lukewarm as far as their approach is concerned. Because over and over requests have been made and I know my colleague, the First Elected Member for West Bay, at every opportunity, is begging and beseeching. If we do not have craft suitable for patrolling our shores and the waters surrounding the Island, it is useless to rely on a 100-man Police Force to contain the problem because the Police have other responsibilities other than drug interdiction. So it must be a concerted effort involving marine patrol and interdiction at sea as well as patrols and interdiction on land.

Sometimes I wonder if the lack of enthusiasm is not a conspiracy because Northward is filled with people from a certain socio-economic status only, or we only hear of certain people getting caught and the big boys are never caught, although the rumour is rife in this country of who the drug-dealers are. Yet, we only catch the users and parade the statistics fooling the people like some miasma in the desert saying, "We are doing a good job. Look at the statistics," when the people who are collecting the big shipments are never caught.

This tokenism has to stop. This pretentiousness has to come to an end. I, while I would encourage my constituents and my citizens to be loyal and honest, cannot feel good encouraging them to put their lives on the line, rattling on people who have all kinds of resources at their disposal and availability, to come and blow them away in the night. This is not good enough. We have to devise a system where the citizens can work in tandem with the social control forces so that the citizens do not lay their lives on their backs by trying to spy and collect intelligence for the very people who should be good and professional at collecting that intelligence for themselves. Then, when we have this kind of effective force, the citizens will easily come forward and tell what they know. But I contend that the onus is on the authorities. The challenge for them is to catch some of the big guys, stop some of these shipments, get other ones besides the obvious. Some of the cases that I read about, an amateur like me, could bust those! Get some of those that the rumours are rife on, that it is commonplace that these are dealers and the big fellows in it. Perhaps there is a conspiracy not to patrol the Queen's Highway because that is the known drop-off point, that is the haunt of these fellows who go to collect it. But they patrol the little roads off where the little users go because it is easy to catch them and crack their heads and then send them to Northward for a year or two.

Until the authorities achieve this, I remain to be convinced that their efforts are more than lip-service and tokenism. And I have to remark again, it is patently fallacious and unfair to depend upon citizens as a source of information when those people do not feel confident in giving the information. Because I know, my constituents come to me and tell me that they have information but they do not know what to do with it because when they give it to the Police, next thing they know, people come to threaten them. There is a lack of confidence.

For this system to work, what has to be done is exactly what is called for in this Motion, otherwise we can stand here and beat our gums. The Government can find money for all kinds of unworthy projects, they can find money to hire all kinds of consultants who come here with a paper bag and a cardboard box. They must find money to effect good drug patrol, they must catch people who are big-time drug dealers. Northward is full of Caymanian young men and women, ordinary middle-class people who sometimes, through no fault of their own, have fallen victim to drugs. The onus is on the Government to catch some of these dealers, catch some of these big people, confiscate their property and bring them to justice. And the only way to do that is to put into action what this Motion is calling for. There can be no excuses that are good enough.

Thank you, Madam.

MADAM SPEAKER:

The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.:

Madam Speaker, I rise to offer my support to Private Member's Motion No. 9/91, entitled Drugs Patrol and to also offer some brief comments.

Sitting here listening to Government's acceptance of this Motion kind of baffled me because they said, in other words, the only reason that we are accepting this is probably to avoid a conflict as far as the House is concerned, but on the other hand do not expect us to spend any money in order to address this problem.

It shows me where Government's priorities are when it comes to

this serious social problem that we have in this country. The Motion plainly identifies the Queen's Highway as one of those areas which are known drop-off points for drugs in this country. How much effort would it take to have a patrol car patrol in that area on a consistent basis after 7:00 p.m.?

To purchase the patrol boat that they are talking about - make this a priority. It costs \$300,000? Go ahead and get it done rather than wasting money on consultants and expensive road projects and other things which do not make a whole lot of sense. It is not very difficult.

We heard about a year ago that there was some radar system that was being installed which would be used in the surveillance of drug traffic between here and Jamaica and other countries that are known to supply drugs, with a view of intercepting those activities; we have not heard any more about that. We Members of the Backbench feel that this is a serious problem in this country and we are prepared to vote whatever funds necessary to ensure that this problem is curtailed.

Every year in the Budget we get requests from the Police for new vehicles and new members of staff; we have always been reasonable. In the 1990 Budget the only suggestion that we made with regard to staff was, to try to recruit locally at least half of the number needed, rather than bringing all police officers from the United Kingdom and those requests were supported. What the Member should have said is that this matter is being addressed by Government in a serious manner and here is what it is going to take to put the programme in place, and here is the cost. In my opinion all that Government is doing is paying lip-service to this problem. I think we realise that politically it would not have been very acceptable if they had totally rejected the idea of trying to do something in the fight against drugs.

I can assure the present Government (and we know that November 1992 is not too far away) is that any Government of which I am a part will make the effort against drug abuse in this country a serious priority. I personally think that if we are going to ensure the future of this country, we must be in a position where we can protect the lives of our young people from this awful epidemic known as drugs.

I have occasion to visit Northward quite frequently, and every time I go there my heart is pained by the number of young Caymanians I see behind bars. If the statistics were known, I would say that 60 or 70 per cent of those young people are there because of a urine test. On the other hand, no effort has been made to provide a facility in the fight against drugs as far as rehabilitation is concerned. This problem will never be eliminated until we start bringing to justice some of the big suppliers and financiers of these deals. In the community in which we live, some of those people are well-known. I question why something is not being done to bring these persons to justice.

The suggestion about informing the Police is not a very wise suggestion for the community in which we live, because as the First Member for Bodden Town said, you can report it one day and by the same evening there is somebody associated with the person that you ratted on, at your door asking you why you went to the Police today. As I said before, we have to recognise who we are fighting against; we have to recognise the resources that are at their disposal and I think that it is probably impossible to be totally in a position where you maybe cut it off all together. But as far as those funds that are allowed to come into this country, I think that if we do what is suggested in this Motion, that we will see a drastic improvement in this area.

So I would just like to say that I support this Motion and I trust that other Members of this House will feel free to do the same.

MADAM SPEAKER:

The First Elected Member for West Bay.

MR. W. McKEEVA BUSH:

Madam Speaker, as a sponsor of this Motion, I am not satisfied that what the Honourable Administrative Secretary has told the House will accomplish what we know is needed. The Member said that they agree that these are areas, from their information, where drug drop-offs are taking place. But he made it emphatically clear that they are not going to do anything beyond the present year's Budget (which I take it to mean what they are doing now) for which funds are committed. They do not have a boat and the police available - he spoke about pragmatic assigning of resources.

I have had several complaints from my district about the Police Station that there are sometimes only two officers on duty. This is not good enough in a district the size of West Bay and with the many social problems that we have. I am not baffled by what Government has said. I have been hearing this now since January 1985. I was sworn in in November. So I am not really baffled. I sort of expected this move.

From Boatswain Bay to the head of Barkers, 99 per cent of the time, is a very deserted area and information is that these areas, as the Member has said, are very much in use as drop off points for the traffic plying between Cayman and Jamaica. We have heard before that even in the Northwest Point area, boats have been known to come ashore in broad daylight and drop-off their cargo of destruction.

The Police, as well as citizens, know that the traffic by small sea-going craft between here and Jamaica has not ceased or even slowed down since it first began. We have experienced the loss of life between here and Jamaica, of young Caymanians. We have lost people - they may not be a statistic, as I said the other day, of murder - but many people believe that those people presumed missing, several of them might have ended up in that situation.

What are we asking Government to do? To have the areas frequently patrolled by police officers and that this patrol be carried out on land and sea. Now I do not know what they envision as being problematic about this. We know that they have police officers, and we know that they do not have a boat.

When the Honourable Third Official Member says that they are not going to commit themselves to anything outside the Budget that can only mean one thing to me, and that is

that they are not now prepared to immediately purchase a proper sea-going vessel, suited up for the purpose of search and rescue and for drug interdiction. And this is what is needed. We do not need another Bertram to take the Governor to see the Sting Rays, nor any official on a fishing trip. We need something that can protect this country, to help us. Maybe the word "protect" is a little wide but to help in the interdiction of drug trafficking and we know that the Government has not, in times gone by, lived up to their commitment in this area.

I do not need to go through this. I have stood here by this microphone since 1989 (and by that microphone since 1985) imploring the Government to take a little faster action. What are they waiting for? I think that my colleague, the First Elected Member for Bodden Town, hit the nail on the head when he said that it is a scheme of things to perhaps keep the jail overcrowded.

I wonder how many Members have visited that Prison recently? I wonder if they have seen the future potential of this country in that Prison? There is a large portion from my district, and I have said it time and time again, I have no sympathy for anybody importing or involved in any way in the sale of drugs, or of financing drugs. I have no sympathy for those people. I am a parent first of all, with a 14-year old son, and then I am a legislator. But I have a lot of sympathy for people hooked on drugs and that is not to say that there are no efforts being made in this country, although I do not think that the efforts are all they should be. We have made some strides in getting people to understand what is happening in this country as far as drugs are concerned, and their children are concerned, and how it affects their lives. But to say that we have slowed down... one only has to go through West Bay, not on a casual ride, but go through it in the night, visit the places and you can see whether drug usage has slowed down any.

Now they may very well say because of the urine tests that there are better statistics in that area, that it has been used effectively. One of the things needed is a proper sea-going vessel. Going through the minutes of the Estimates, I have found where from the time Mr. Dalmain Ebanks was in this House, he requested a proper sea-going vessel for search and rescue and drug interdiction.

I would like to give the House an update on what I have tried. Since January 1985, I have made several attempts in Finance Committee. I even went as far as to challenge the Report of Finance Committee when the last Bertram was being bought, to no avail. I think that was in 1987 because I said at that time that that boat was not what we needed, it was too expensive for what this country needed. So I challenged them, I fought them in Committee when the Report came onto the floor of this House, I challenged them, but I lost; they bought the boat, the boat ended up on the reef and now they do not have any.

In London, in 1986 at a CPA Conference, I had an audience with Baroness Young and made a request. I told her of the problems which she knew of here and in the territories, of drugs and what we were faced with and asked for assistance with some sort of large sea-going vessel equipped for drug interdiction. Nothing came out of that from Great Britain.

In Barbados, in 1989, the First Elected Member for Bodden Town and I had occasion to talk with the British delegation there, the leader of which was Mr. Tony Durante, and we reminded him of the approach in London in 1986. He said he would see what he could do. Until now nothing has been done.

Just a week or two ago Mr. Holland of the Foreign and Commonwealth Office had a meeting with the Backbench in this House, which the First Member for Cayman Brac attended. I had occasion then to remind him of the United Kingdom's neglect in this area. I say Great Britain's neglect because it is Great Britain's responsibility, or the United Kingdom's responsibility under our Constitution, for Police matters in this area. They are responsible overall for peace, order and good government and we do not have an ordered society when there is so much social chaos in this country. So I do not feel that the United Kingdom Government is doing what they should be doing in this regard. Maybe they have a plan to lock down the potential of the future and to import.

I have spoken to the Governor, I spoke to Mr. Lloyd when he was Governor, and I have discussed the matter until very recently (last week) with the Commissioner of Police. So I have gone to extreme lengths to get something done about this matter. And as I have said, they know as well as I do that the trips between here and Jamaica have not ceased. I am not saying that that is the only area of importation of hard drugs, but I believe that that is one main area. They have done nothing and we have heard here from the Honourable Member that he intends to do nothing.

Money must be found now. I am not satisfied in just passing this Motion, and the Government should not be satisfied either just to accept it with the answers as were given by the Honourable Administrative Secretary. This is not good enough. We must find money to start immediately. I have not been told what steps, if any, and I say there are none until I can see them in writing, or some other tangible means, that they have started to do something about a proper vessel. They can accept this Motion or they can throw it out. But the Resolve section of this Motion says "that the Government take the necessary positive action to have the area patrolled frequently by Police Officers". That can be done but they must do something immediately according to the next resolution; "That this patrol be carried out on land and sea in the areas identified," and the way to do that is to get a vessel now.

Madam Speaker, they can go to Louisiana and get any boat to any part of the United States, they might not have to go that far. I think that something the size of the Cayman Aggressor is needed in this country and I am going to ask this House to take immediate steps. If they want to do something, put the money where their mouth is. Take immediate steps to do several things. Let us make funds available now to purchase a suitable vessel (as I said, the size of the Cayman Aggressor) equipped with proper radar facilities for drug interdiction purposes and make the necessary manpower available to man that boat. This should help take care of the ocean patrol. Another area for them to investigate is the purchasing and the deployment of a suitable aircraft for aerial surveillance.

Madam Speaker, we need to do these two things if we are going

to do anything about drug interdiction as I have pointed out in this debate. We do not need any more talk, we need some action now. And by God for years everybody has been crying for this. They have not stopped it so it shows a need. Something has to be done and I am really begging Government to look at this differently at this than what was announced by them.

I can say no more. All I can tell them is this: they are not hurting McKeeva or John McLean, it is the future of this country that is being affected.
Thank you, Madam Speaker.

MADAM SPEAKER:
Member for George Town.

If no other Member wishes to debate.... The Third Elected

MR. TRUMAN M. BODDEN:

Madam Speaker, I rise to support this Motion. The problem of drugs in the Cayman Islands is one that is the biggest and potentially the most damaging problem that this country has. It is distressing to see the approach, at times, that Government has taken to this problem. We have had considerable increases in the use and therefore the trafficking of drugs in the Cayman Islands in recent years. It has spiralled from some four convictions for cocaine back in 1984, to over 300 in recent years. That points clearly to the fact that despite Government's efforts - and it is putting in some effort - we are not really coming to grips with the problem.

It is not good enough for us to take the approach of sitting on the sideline and saying that we do not have the money to do what is necessary to combat drugs. The cost of the necessary boat and equipment necessary to increase patrols in areas which are known to be drop-off points, has to be peanuts compared to the overall budget of this country. The cost of a vessel has to be a very small part of the cost of what is being paid out to consultants - a million here, a million there for the Hospital plan, millions of dollars for little pieces of road - take some of that money and use it where it is going to help the youth of this country. These things are all necessary but Government has to get its priorities right.

Just this meeting today, for example, we had a reply that of the million or so dollars that had been appropriated this year for farm development only \$56,000 was spent. Take some of that money and buy a boat and equip it and do with less in some of these areas. The road at Lion's Centre we spent \$136,000 on. It is necessary but how much more beneficial would it have been to have put it into something that could have continued to combat drugs and which would have assisted with drying up the source of drugs that are coming into this country and ruining the younger generation.

I cannot agree that we can write off anything, much less a generation of our people. If it costs a \$1 million to save one life from drug addiction, then it is better spent on that one life than it would be spent on other matters that \$1 million would not be going on. I think that we have to look at this with the seriousness of what this country faces because the future of this country hangs thinly on the thread of where the next generation of this country is going to take it. We, as an older generation, are moving on. And in years to come the youth of this country are going to be the ones to run it. I hope that it would never be the case that where Government accepts something as necessary, as it has in this case, - I appreciate them supporting the Motion - but I think that the time has come for them to put their money and their effort where their mouth is. They know that if they come to Finance Committee for a few hundred thousand dollars to get a boat and equipment, or whatever is necessary to deal with tighter patrols in the drop-off areas for drugs, they will get it. They have never really been refused. Even the time when we had control of Finance Committee, any reasonable amount in fact, no amount that was asked for in relation to drugs was refused.

The Prison, as we know, is overrun with young people who are users. They can only become users when there are suppliers that continue to keep the country flushed with drugs. I believe, despite what the Government's policy is, that there is a cure out there for people who are on drugs, but because rehabilitation does not produce the fantastic results of curing most of the drug addicts, it seems to be brushed aside in Government's policies. Even if a few lives are saved from the horrors of drugs, then it worth putting the money in that area. I am the father of two children, and believe me, it worries me at times when I realise that the society which they are growing up in, is one which is now fast becoming and increasingly becoming riddled with drugs. I know that Government is making certain efforts and I commend them on their efforts in many areas. But this is an area in which you can never do enough. The attitude of Government today of saying, yes, this is a good Motion, we know it is all right, but we can only do it if we have the money or the constraints of budget. This, in practice, is absolute nonsense. They come back to this House, to Finance Committee, mid-year, for millions upon millions of dollars through supplementary expenditure. The Member needs a bit of money for this; come and you will get our support.

It just cannot be right that this country is without the necessary patrol boat, the necessary patrol equipment or whatever is necessary to adequately deal with drop-off area for drugs.

It is perhaps very ancient history that the Roman Empire, which survived a 1,000 years, crumbled from within; society decayed, money was spent on luxuries rather than dealing with necessities and this is why it is important for us to make sure that the funds that Government has are directed in the right way.

I guess I could elaborate on a phrase that the Second Elected Member for Bodden Town used this morning when he said, "If you think education is expensive, try ignorance." Well, similarly we believe that interdiction of drugs is expensive. Then we try dealing with hundreds of addicts who are hooked on drugs. It has to be better for Government now to take the attitude that we need some money to deal with these drop-off points, to deal with patrolling other areas and let us get on with the job because the lives of youth and teenagers and young people are being wasted while money is spent in areas that are far less meaningful,

far less practical and far less useful to this society that we live in.

I support the Motion and I pledge to support Government if it applies for funds, which I hope it will, to get whatever is necessary to deal with the problems in these areas.

I was a prosecutor many years ago, and I know and I think the Member in charge of Police knows the difficulty of getting reliable information within the Cayman Islands; something that is peculiar to every small society, not just the Cayman Islands. It is because, as the First Elected Member for Bodden Town has mentioned, with a small society with large interrelated family units it is difficult firstly to get the information to come forward and secondly for it to be confidential and thus the reason why that can only be one of several areas that we must rely upon.

So I support the Motion and I would say to Government let us do all that we can and spend whatever money is necessary to deal with the interdiction of drugs, deal with the education of people against drugs and also to deal with the rehabilitation of those unfortunate people who are hooked on drugs. That, I believe, has to be the right policy of Government.

Thank you.

MADAM SPEAKER:

The Honourable Member for Education.

HON. BENSON O. EBANKS:

Madam Speaker, I must say that I was somewhat relieved to hear the last speaker because up until that time I felt that the debate on the Motion before the House was taking us to contravention of Standing Order 24 and section 37(2) of the Constitution.

Having listened to the last speaker, I assume that his understanding of the Bill is similar to what my original understanding of the Bill was. That is that Government would consider this matter and if it needed money it would come back with a specific request to Finance Committee or the House for that money and then it would be provided. During the debate I had to question whether that was the interpretation. I would hope that the Mover would clarify that in his winding up because I heard remarks such as, "if Government did not spend the money, it would be spent," or "if Government did not ask for it, it would still be voted," and surely that would not be in keeping with Standing Orders and as I said, even one section of the Constitution.

Now to the nub of the resolution: It seems to me that the Motion purports that the drop-offs points are known. If this is so then it would seem to me that to go and purchase large coastal patrol boats and an aeroplane would be a waste of Government money. If it is known where illicit drugs are being dropped off, it would seem to me that all that is required is for the Police to set a watch and catch the drugs when they are being dropped off. Catch the people red-handed in the act. I would remind this House that while it is true that the Bertram was a small boat, nevertheless I believe that is the second one to end up on the reef. And in this day of environmental consciousness we would not want our reef cluttered with too many boats the size of the Aggressor and maybe aeroplanes as well.

What I am saying is that I support whatever can be done to interdict the traders and I certainly would not have any sympathy if they are caught. But let us make sure that in our anxiety and exuberance to convince people of our sincerity in this regard that we do not needlessly spend large sums of public funds.

I would hope that the Department in Government responsible will investigate this. Certainly I would hope that they would get the information where this drop-off is taking place and if it is known where the drop-off is taking place, it would seem to me that even the people who are doing the drop-off, or least receiving it should be known and it would seem to me that a cap should be put on this in very short order and without too much expense.

While giving my support to any effort to stop the possible trade in illicit drugs, I want to make sure that whatever we are on with here, is on all fours with Standing Orders and the Constitution. I am inviting the mover of the Motion to address that part of it. In giving my support I am saying we must do all that we can, but let us not use the sledge hammer to kill a sandfly.

Thank you, Madam Speaker.

MADAM SPEAKER:

The First Elected Member for Cayman Brac and Little Cayman.

CAPT. MABRY S. KIRKCONNELL:

Thank you, Madam Speaker.

Drug Patrols.

I rise to give my support to Private Member's Motion No. 9/91 -

I too, as other Members, have great concern of what drug and drug interdiction is doing here to our youth and adults. It is a very serious problem and a problem which needs to be addressed. I have had many years of experience at sea and I realise all that is involved in the operation of ocean-going craft capable of navigating the waters of the Cayman Islands. When we talk we must realise that we have three Islands with some 60 miles between the east end of Grand Cayman and the west end of Little Cayman, so the craft that we would have to have would certainly have to be ocean-going.

I would like to suggest to this Honourable House that electronic surveillance would be, in my opinion, the first step that we should look to. Most countries are now patrolling or covering their coast by radar and when suspected craft are approaching that are not identified in radar, you then can mobilise a smaller boat to go to that particular area.

As has been said by other Members here, it must be realised that these people are in business to make money. They are serious about it and they are prepared for whatever comes. Therefore the craft which we would operate would have to be of sufficient size to carry heavy deck armour

and also the crew that we would have on this boat would almost have to be sworn to military regulations where they would be willing to make the supreme sacrifice for their country and that is, the giving of their life, because those people, as I say, are serious.

But I think if we, as Members of this House, would give serious consideration to investigating what a coastal radar station would cost it would certainly help. I think that we are all aware that even radar-controlled speedways throughout the world have done a lot to control speed. There may not even be a radar station anywhere in the area but if you come across a sign saying "radar controlled" or "radar enforced" you would immediately slow down. So if we investigated this force, it would certainly be a deterrent to anyone trying to invade our coast with illegal operations. This could also go far beyond just drugs but could extend to other activities which we would like to control.

I say all of this to confirm my opinion that it is a very serious matter and it is something that we must look at most seriously and some steps must be taken in order to protect the future of our country. Future generations standing in this House will have come from an era where drugs were easily obtainable and they do have a lasting damage on our mental capacity and often times on our physical capacity as well. So the mere fact of rehabilitating an addict does not mean that you reinstate them 100 per cent into society. They are afflicted with permanent damage and that is what we would like to prevent.

With these few words, I support the Motion.

MADAM SPEAKER:
Cayman.

The Second Elected Member for Cayman Brac and Little

MR. GILBERT A. McLEAN:

Madam Speaker, I rise to support Private Member's Motion No. 9/91 - Drugs Patrol. I believe that even to people who try really hard to deny that hard drugs are a problem in these Islands, they have to be, in their heart-of-hearts, in disagreement with themselves. It has become a problem to the extent that it has affected, I believe, every facet of life in these Islands. There is no longer any differentiation by economic class, in any which way in this country, where drug usage is a problem. From the highest to the lowest is affected. Professional people, school children, young adults, any area that one can possibly think about, there is a problem with drugs. The most supreme testimony to it is the fact that teenagers are crammed into Northward Prison to show how much the Government is doing to stop it.

What the Government is doing is inflicting, on the young, severe penalties of imprisonment for usages of it and sometimes these penalties certainly do not appear to fit the crime where some stupid, foolish or misguided young person has been found using some type of hard drug. The way I hear it, it is available just about everywhere in this country.

The last Member who spoke, I think during question time this week has indicated that there has been problems with it in the schools, even the Middle School in which there are children of 11 years of age. Whether they themselves are the purveyors of it or whether there are people who are jumping the fences to take it to these children, they are making them victims. It is well known and documented in the drug culture that when the dealers really want to make sure that they have business, they give away certain samples to the young. Once they are hooked on it, normally and unfortunately they are hooked for life.

So, what other Members have said here about doing something meaningful, that meaningful thing I argue, is not putting in prison the teenagers of this country for the use of a cigarette of ganja or because they have taken them up to the Police Station and told them to urinate so as to prove that they use cocaine. Such dramatic prevention does not stop the supply, it deals with the usage. And while there is some interdiction of the supply, surely the percentage is much, much less than those who go there for the use of drugs.

If I understand this Motion correctly, what it is asking for is for attempts to be made to interdict the supply, supplies which the Member and other Members have agreed happen in certain drop-off points.

If the Police knew every time that there was going to be a drug drop-off, surely they would have everything in hand and they would be able to stop it. But it has to be the numerous times that they do not know about it that we are talking about in this Motion. And certainly the only way that the Police might be able to, through surveillance or checking, serve the best good is to try to be there at regular intervals during the night or the day, as the case may be, when they would normally not be there so that they could interdict or stop this action in drug dealing.

I too, have heard that one of the areas cited, or both in fact, along the Queen's Highway, if I remember correctly way back in 1983, with the big "Latin Connection" cases as it was dubbed, supposedly there was a light aircraft that was going to land on that deserted and wide highway to pick up or to drop-off these 30-odd kilos of cocaine.

So it is not that anyone is talking out of their hat, supposedly it is that way. I have also heard in more recent times when there has been a large cache of drugs in the East End district which again, and I do not have the nautical knowledge as does my colleague from the Brac, but I think that at some point East End must be one of the closest ones to reach, say if it is coming from the island of Jamaica or such area. But that Queen's Highway area is a deserted area except for a few homes and there are no street lights along that highway and it surely must prove to be a very ideal point for drop-offs to happen.

I do not know if it pertains to George Town, but certainly I know of some of the eastern districts where the Police seem to have a lot of time on their hands. I have seen many times while driving from Pedro, right up through East End around the Queen's Highway and down through North Side not a single police car. And as far as I know each station has a patrol car and I imagine that they should have at least two police officers, so the patrolling, I do believe can be enhanced. There is no doubt in my mind about that.

Only yesterday, if I remember correctly, I was coming down to the Legislature and I had forgotten something and realising it, there I saw a police car ahead of me, it turned around at the end of Spotts Road, just about then I remembered I had to turn back. So I did just a little beyond the police car and when I got back to Spotts Straight - as it is called - near Spotts, Newlands, there it was parked, one police officer in it, hiding behind a poinciana tree waiting to fine somebody I guess, that was doing one mile over the speed limit. A dramatic catch for the day!

We are talking about realism. We should say to the Police in East End or in North Side, "Look, instead of you fellows sitting down and talking about your girlfriends or whatever the case may be at the station, or dodging behind a poinciana tree, use a little more gasoline and drive at certain intervals across the place, like on the Queen's Highway and of course do not announce to the public when and at what intervals there are." I believe that there is much misdirected effort and manpower in the policing effort in this country.

In West Bay, unfortunately, we know, we all hear, that district is plagued with too many problems with drugs. And we hear of what is called the "Jamaica canoes" making lightening trips in the night going to Jamaica and allegedly coming back within a period of six hours, eight hours or whatever in the early morning, and are coming back with drugs.

Are we really doing anything specific, sensible and practical to interdict that traffic? Not that I know about. If that is the case I am sure that Government would keep it quiet because they do not want the public to know too much. I do not know if it is a fear of hurting us to be better informed or what. And if it is not that then I wonder if it is not time to treat information about the Police with a little greater generosity so that everyone can be convinced of the effort that is being put forward without giving away any information that would be of use to traffickers.

Madam Speaker, I understand as well in this sitting that there is no boat available now to the Police but apparently there is money available to buy one. Also from a reply to a supplementary question by the Member responsible for the Police, the Administrative Secretary, he said that no specific recommendation was made for the purchase of a particular type of boat. Indeed, I think that is most unfortunate because if that is not done it means that the person involved will again go to purchase what I think are unsatisfactory boats for use.

I was at a certain Rotary meeting when that very fancy boat was being purchased, which I understood from people at that time who knew, was a glorified fishing boat and that it did not have the hardiness and utility that was necessary but the Government knew that was the right one. I do hope that there is someone who is not going on the recommendations of the salesman and the local representative of that particular type of fishing boat, to purchase another one of those. I hope that there will be someone who can specifically recommend a particular type of boat, even if it is a second-hand one like the one being used around the Florida coast or something of the sort because they, like us, have problems of patrolling and interdicting, as far as my information goes, 24-hours-a-day, 365-days-a-year. So perhaps we could take a little lesson or a little guidance from over there, particularly since we have relationships with Dade County, they may even have one for free. We could always check.

I also believe that we need a large boat as well as a reasonably small one, of the size of the Aggressor with a steel hull. And I believe that we should have certain policemen, a unit, a core or whatever one wants to call it, trained with certain naval (should we say), ability and knowledge to handle that boat and certainly I believe that that boat should be armed. Now it makes no difference who disagrees with that, that is my opinion. I do not know what is expected of the Police who man these boats I have heard that if they get out there and run into some people on a boat who are armed, they have to turn around and run back to apply to get a hand-gun from the Police Armoury to shoot back at them if they have shots fired at them.

I believe that such a boat should be armed, the people on it should be trained, and where it is necessary to respond with fire, that should be done. It is amazing what kind of message one gets when a bad man knows that a law enforcement person is just a bad as he is.

I do not think that it is a case of really taking a sledge hammer to kill a sandfly or anything of the sort, as it is suggested by the Members of this House, to take some real and positive action against drop-offs and interdicting drugs from being dropped off around this Island. I know, as I have stated, the two areas cited here, I have heard that these areas are used and undoubtedly at this time, they are being used more because Government now has no means at its disposal to prevent them.

As for those vessels being wrecked on the reef, that is nothing to be proud of. What it means to me is that the persons who were put in charge of those boats did not, in the final analysis, know really how to handle those boats in the way that they should have been handled and someone should have been accountable for what happened to those boats; the persons in charge, the person who assigned them to those boats and the persons ultimately responsible for the police action.

As I see (and I say this without fear of having my work permit taken away) it looks to me like the only thing wrong with something wrong in this country is when you say anything about it. But I make that statement believing the same to be true. I understand a very interesting sale occurred at least with one of those boats, and the purchase price would do anyone's heart good. I understand too, that that boat was certainly not as damaged as was reported for public consumption, it is indeed in the process of going back into use like spanking new.

I support this request in the Resolve and I do not think that it is right or proper or good responsible Government to simply consider it. There seem to be a lot of police officers who can park on the side of the road by a poinciana tree, just chill out in the car, listen to the radio and watch a speed gun to fine someone doing one mile over the speed limit.

I give this Motion my support with the hope that the Government

is going to take this request seriously and indeed do something positive about it.

Thank you.

MADAM SPEAKER:

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN:

Madam Speaker, it appears that all Members have accepted the Motion although the Government Members seem to have done so very reluctantly and did make their acceptance in a most lacklustre fashion, but in accepting the Motion they have committed themselves to purchase a boat since the story goes that the Government has no boat at this time.

The latter part of the Resolution says: "AND BE IT NOW FURTHER RESOLVED THAT this patrol be carried out on land and sea in the areas identified.". So if a patrol is to be carried out at sea, it will be necessary to use a boat. The coast line of West Bay does not, I believe I am correct in this, always have a motor road running along it in some of the isolated areas so that the patrol could be effective from the shoreline. So there is no use of the Member for Education trying to get out of this acceptance by relying on the Standing Orders whereby Private Members' Motions cannot require the Government to spend money. They have, unless they change their minds, come in full acceptance of this Motion and will need to purchase the boat.

The Member for Education thought that since the areas of trouble have been identified there is no need - I believe that these were his exact words - "to purchase a patrol boat for this purpose." In fact I think that he commented that it would be a waste of money. But that is not how money is wasted.

Money was wasted when his Government bought a \$300,000 Bertram when if it was a Bertram for the purpose which they used the Bertram for they could have bought a cheaper boat. That was a waste of money. A further waste of money was when that boat was put into the hands of people who were not capable of operating it and not only that boat but the entire fleet of police boats were destroyed. So that is what I call wasting money. It is not wasting money to purchase a boat which is needed when you have no boat at all.

The Third Official Member when he gave his half-hearted acceptance of this Motion said it is not necessary to patrol every square inch of territory; I agree. The Motion does not seek the patrol of the entire Islands. For once a Motion has defined two specific areas that should be patrolled. I believe that Government should accept this Motion, should convey the substance to His Excellency the Governor, who should order the Commissioner of Police to go into action and to carry out for a certain time a rigorous and relentless patrol of these areas and let us see what the result would be. It may well be that this would result in the arrest of a few of the suppliers, it could well be that it may scare them all off and you may not hear about them again, or perhaps it may only serve to let them shift their activities to somewhere else.

Much has been said about the kind of boat needed for the operation and I agree with sentiments that were expressed by the late Jim Bodden and by Mr. Dalmain Ebanks, as we heard from the First Member for West Bay, that Government should look to the United States for a boat. We have, as one Member mentioned, a situation where we are twinned with an area in Florida and we know that customs there continually seize boats that have been used in the drug trade, boats that are fast - this is one of the requirements for a patrol - boats that are sturdy and can take rough weather, not a luxury Bertram where you sip cocktails and angle your time away in the afternoon. So we believe that Government must use all of its ingenuity in obtaining the necessary equipment to put into effect this Motion which they have accepted, the Motion which seeks positive action and which requests that patrols be carried out.

I am conscious of the approaching hour and I believe that it is the will of the House that we finish this Motion today so that the Government tomorrow morning can put into action this Motion. And I will leave some minutes for those Members who have not yet spoken and for the Mover, who I know will want to say a few words.

MADAM SPEAKER:

The Honourable Second Official Member.

HON. RICHARD W. GROUND:

Madam Speaker, I shall be very short.

Madam Speaker, I will just heed the time limit set by the

Member for Bodden Town. I shall be very short. Madam Speaker, it would be wrong if this debate were to end leaving the impression that the authorities were neglectful of their responsibilities in respect of the marine area in particular. In order to correct that perhaps I might just remind the House of an answer given by the Administrative Secretary to a question on Friday of last week, when he was quizzed about the marine capabilities of the Police Force. There he pointed out two things.

He pointed out that a Review had been carried out under the sponsorship of the United Kingdom Government and that that Review had been carried out by a team consisting of a former Commissioner of Police from the BVI, a Royal Naval Captain and a US Coast Guard Commander, so that there was some input from the United States authorities with their particular expertise, as one of the Members pointed out, in seaborne interdiction along an island or a long coastline.

That Review resulted in a Report which was called the Report of the Dependent Territories Maritime Capabilities Study and that Report made recommendations for the purchase of a small, fast launch and for a larger vessel. The Administrative Secretary, in his answer, said that submissions for the purchase of those two vessels are being made in the light of the recommendations in the Report. So it is under consideration. The areas of expertise that some of the Members have referred to have been tapped and the authorities are moving forward in that direction.

Thank you, Madam Speaker.

MADAM SPEAKER:
close the debate.

If no other Member wishes to speak, I would ask the Mover to

MR. JOHN B. McLEAN:

Thank you, Madam Speaker.

First of all I would like to thank my colleagues on this side of the House for their contributions and their support to the Motion and also I would like to thank the Government for accepting the Motion. However, I have to point out that I certainly disagree with their terms of agreement.

First of all I would like to deal with something which was said by the Third Official Member, the Administrative Secretary, to the effect that reliable intelligence information is more or less what the Police have relied on as far as the drop-off at the areas which were put forward. If this information were so reliable how is it that more than one shipment, was not confiscated at that point, which was the point of delivery? And I would say that the answer to that is borne out in the Motion which is presently before the House. We do not have sufficient patrols in the area. As another Member said, we need to get to the roots. It is useless for us to continue to shake the leaves from the tree and within a few months it is a known fact that they are back.

I will come to the points which were made by the Second Elected Member of Executive Council, but at this point I would like to say that my mention of the Bertram was merely, as I said, I honestly believe that this country made a very expensive, stupid mistake when that craft was purchased for the job it was sent to do.

Again, I will ask the question, what type of drug enforcement craft will we be spending our funds on this time? And secondly, before I have anything to do with the purchase of a new boat I would like to know exactly who will be making the choice. I honestly believe that is where we went wrong the last time.

In my Motion I did not in any way try to commit Government. I made the point clear when I spoke. I mentioned that it was said here a few days ago that we would be purchasing a boat. I was not, in my Motion, asking Government to purchase a boat. This Motion is after the fact. We were told about that days ago. But it seems to me that in the attitude which was displayed here, more emphasis is placed in this country on building prison cells rather than seeking the prevention to the problem.

As a Member said a while ago, it hurts your heart to see the youngsters who spend their lives at Northward Prison. Perhaps if things are put in the right perspective we could stop some of that. Perhaps if the funds which are now spent there to make more cells had been spent properly when that boat was purchased, we might not have needed extra cells at Northward.

Let us go a little further. I think it was in the 1989 Budget when we were voting funds for extra police officers. If I recall 22 officers were asked for, and what were we told at that time? We were told that this was being done in an effort to properly man the out-districts so that there would be police officers at the station at all times. It is only since that time that I have constantly received calls from people who want to make reports not only on drugs, but other things. I know of a lady who went home to her house one night at about 2:00 a.m. and came up on somebody who was trying to break in and if the information is correct, she tried to get through to the station and in an effort to get the call through, the first station that she could get through to was George Town. This is not good enough. I honestly believe that if this had been done the way in which we were told in Finance Committee in the 1989 Budget, we could have proper patrols in the areas which have been pointed out in this Motion.

But you know for some people it would have been better if they had sat down and said nothing on this Motion rather than stand up and try to crow against it because this Motion was brought to this House with all good intention. I was very much surprised to hear the attitude of the Second Elected Member of Executive Council. He tried to give us lessons in Standing Orders, he implied against the Motion and at this point I seek your indulgence to once again read the Motion which is before the House because his remarks could easily lead the public to believe differently from what we really intend this Motion to be.

Private Member's Motion No. 9/91 entitled Drugs Patrol and it reads:- "WHEREAS hard drugs are definitely a problem in the Cayman Islands;...". And if he can tell me anything wrong with that that is not true, I will listen. "AND WHEREAS certain areas have been identified as "drop-off" points here in Grand Cayman;...". If he is saying that he did not hear that before then he must be asleep! "AND WHEREAS one of these secluded areas, which includes very little development, is on the Queen's Highway and is used as a convenient "drop-off" point;...". Dear God, he has been in Government long enough. If he did not hear what the Second Elected Member for Cayman Brac mentioned a while ago about the light aircraft years ago and the many cases when Jamaican canoes came in just west of Colliers Bay, then again, he is a-way out. Not to speak of this line, which deals with his district. "AND WHEREAS another area is the West Bay coastline;...". I am certain that the smallest child in West Bay and on this Island, has heard about that.

The Resolve section says: "BE IT NOW THEREFORE RESOLVED THAT the Government take the necessary positive action to have the area patrolled frequently by Police Officers;...". It is not saying that the Police Officers do not carry out patrols. I would be telling a lie and I am not about to do that because I know better. It is saying that they should carry out more frequent patrols. "AND BE IT NOW FURTHER RESOLVED THAT this patrol be carried out on land and sea in the areas identified."

A very valid point was made by the Second Elected Member for Bodden Town, especially when he spoke of the West Bay coastline. There are many areas such as the Queen's Highway where the roads run far away from the edge of the sea. There are certain places that you cannot see the water when driving on the road. This was the reason why we thought that it was useless to do by land and leave the sea. The drugs have been entering here mostly by sea and this is a fact. I made it abundantly clear. I said let me say that I am not saying that the Police do not do patrols, but I believe if the proper machinery is put in place they would be able to do much more.

I do not understand why it is so hard for this Member almost always to understand these things. The Third Official Member accepted the Motion in its present form. He accepted the presentation. But it is a true saying: "Oh, what tangled webs we weave when first we practice to deceive." The Members on this side of the Legislative Assembly, of this Chamber, we too, know the Standing Orders, we know what is in the Constitution and I assure that Member that we, in no way, need him to tell us what is in there. If it was not that I would be wasting the time of the House, I would also go ahead and read that section for him because it seems like he needs to hear something from it.

He made another point concerning drop-off points. He said something to the effect that, if the points are so well known then Government should not waste funds to purchase boats for the Police to patrol them. I would expect that statement from my five-year-old boy and I know that he would not say that. How ridiculous! It does not mean that because they know it as a drop-off point that the violators would not take a chance and come again. If that was so we would have only had one trip there. But it is a known fact and if he doubts me I wish that he would get Police statistics, or call somebody up there who knows better than he does and find out exactly if I am telling a lie or not.

I recall a case where these drugs were removed from there and when the Police got there the individuals, whoever they were, had set the Jamaica boat on fire. The remains were there for years. So do not tell me that it has not happened more than once.

But for some time now I have noticed that the First Elected Member for Cayman Brac, whenever he speaks, the Government jumps. I was happy this evening when I heard him speak on this side, speaking with authority on the sea, concerning the type of craft which would be necessary to patrol not only this island but his island also, Cayman Brac. He did not speak of a Bertram, he spoke of an ocean-going craft. That is all that we were saying. So I am begging, I am begging the Government not to listen to me at this time, not to listen to McKeever Bush, but please listen to the seasoned sea captain on this side. His knowledge has spoken, not mine.

It was mentioned by the Attorney General concerning proper patrols and I would just say to him that what I said was what I read a while ago. I am in no way trying to run down the Police patrols, if anything I am trying to help them strengthen it.

I believe that my colleagues on this side and myself have done our part in putting forward this Motion. I am not concerned about what the Second Elected Member of Executive Council has said. I assure you I have done my duty to my district and I have no apologies to him or to anybody else. I must first protect my district, which I am trying to do in this Motion, and even if does not feel like doing so to his district, I give him the assurance that the seconder of this Motion has made every effort to support it.

Thank you.

MADAM SPEAKER: I shall put the question on Private Member's Motion No. 9/91. "BE IT NOW THEREFORE RESOLVED THAT the Government take the necessary positive action to have the area patrolled frequently by Police Officers; AND BE IT NOW FURTHER RESOLVED THAT this patrol be carried out on land and sea in the areas identified. Those in favour please say Aye...Those against No.

AYES.

MADAM SPEAKER: The Ayes have it.

AGREED. PRIVATE MEMBERS MOTION NO. 9/91 PASSED UNANIMOUSLY.

MADAM SPEAKER: I will now ask for a Motion for the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the adjournment of this Honourable House until 10 o'clock tomorrow morning.

MADAM SPEAKER: The question is that this Honourable House do now adjourn until 10 o'clock tomorrow morning. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM SPEAKER: The Ayes have it. The House is accordingly adjourned until tomorrow morning at 10 o'clock.

AT 4:31 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. FRIDAY, 28TH JUNE, 1991.